

ROMAN HISTORY

Consilium Principis

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CONSILIVM PRINCIPIS

IMPERIAL COUNCILS AND COUNSELLORS
FROM
AUGUSTUS TO DIOCLETIAN

JOHN CROOK



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Preface to the Reprint

Major criticism of this book has been made by Professor W. Kunkel, especially in *Zeitschrift der Savigny - Stiftung, Romantische Abteilung* LXXXV (1968), pp. 253 ff. Professor Kunkel argues that the judicial *consilium* of the Emperor was always, in principle and in practice, wholly distinct from the group of advisors whom the Emperor summoned for discussion of political and military affairs. Though I am not convinced by Professor Kunkel's case it would be unfair to the reader not to warn him. Furthermore the *Prosopographical Index* is now, by virtue especially of new epigraphical discoveries, twenty years of intensive scholarly effort by prosopographers, and the progress of the principal handbooks, seriously out of date.

Cambridge, England
February, 1975

J. A. CROOK

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FROM
AUGUSTUS TO DIOCLETIAN

BY

JOHN CROOK

Fellow of St John's College Cambridge

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PREFACE

THIS book has been a long time in the writing, and would take yet longer if it were to satisfy its author. But the subject is in need of full-scale treatment, and so I have not felt it right to delay any further. The title, *Consilium Principis*, is a current phrase, and I have used it in order to make clear what I am writing about; in the body of the work it is avoided, for reasons given in Chapter VIII.

To do the work which now at last appears in print was made possible for me by the Managers of the Craven Fund, to whom I offer thanks no less deep for being belated; and the back of it was broken in Balliol, a hospitable as well as a great college. Many scholars have helped me with criticism and advice. I am grateful and beholden to them all, but especially to my late teacher, M. P. Charlesworth, who made me want to study the Roman Empire; to Hugh Last, who spent untiring time and trouble showing me how to begin; to Mr John Morris, for the privilege of examining his as yet unpublished prosopographical material; and to Sir Frank Adcock and Mr Russell Meiggs, who gave me not only the stimulus of encouragement but also the practical help of reading my text, asking questions and suggesting improvements. Mr A. G. Lee has read the proofs of this book with devoted care, and it is better in a score of places for his comments. The University Press has served me as it serves all its authors—unsurpassably.

My dedication I would express thus: PARENTIBVS CARISSIMIS
BENEFICIORVM HAVD IMMEMOR FILIVS.

J. A. C.

St John's College, Cambridge

September 1954

CONTENTS

PREFACE	<i>page</i> v
ABBREVIATIONS	ix
INTRODUCTION	I
I The Republican Background	4
II The Senatorial Committee	8
III <i>Amici principis</i>	21
IV From Augustus to Trajan	31
V Hadrian	56
VI From Antoninus Pius to Severus Alexander	66
VII The Third Century and Diocletian	92
VIII Organization	104
IX The Influence of Imperial Councils	115
APPENDIX I Participation of Augustus and Tiberius in Senatorial Debates	129
2 The 'Acts of the Pagan Martyrs'	133
3 <i>Epitome de Caesaribus</i> 14, 11 and the Nature of Hadrian's Reforms	135
4 Παρηγορία	142
PROSOPOGRAPHICAL INDEX	148
GENERAL INDEX	191

ABBREVIATIONS

The usual abbreviations are used for the ancient sources; for periodicals, works of reference, etc., the following:

<i>ABAW</i>	<i>Abhandlungen der bayerischen Akademie der Wissenschaften, philos.-philol. u. hist. Klasse.</i>
<i>AE</i>	<i>L'année épigraphique.</i>
<i>AJP</i>	<i>American Journal of Philology.</i>
<i>AÖAW</i>	<i>Anzeiger der österreichischen Akademie der Wissenschaften, philos.-hist. Klasse.</i>
<i>Arch. Journ.</i>	<i>Archaeological Journal of the Royal Archaeological Institute of Gt. Britain and Ireland.</i>
<i>ASAW</i>	<i>Abhandlungen der sächsischen Akademie der Wissenschaften, philol.-hist. Klasse.</i>
<i>BGU</i>	<i>Berliner griechische Urkunden, 1895-.</i>
<i>CAH</i>	<i>Cambridge Ancient History.</i>
<i>CIG</i>	<i>A. Boeckh, Corpus Inscriptionum Graecarum. Berlin, 1828-77.</i>
<i>CIL</i>	<i>Corpus Inscriptionum Latinarum.</i>
<i>Class. Phil.</i>	<i>Classical Philology.</i>
<i>CQ</i>	<i>Classical Quarterly.</i>
<i>CR</i>	<i>Classical Review.</i>
<i>DE</i>	<i>E. de Ruggiero, Dizionario epigrafico di antichità romane, 1895-.</i> (Referred to by volume and page.)
<i>DUJ</i>	<i>Durham University Journal.</i>
<i>Eph. Ep.</i>	<i>Ephemeris Epigraphica.</i>
<i>F. Gr. Hist.</i>	<i>F. Jacoby, Die Fragmente der griechischen Historiker. Berlin, 1923, 1930; Leyden, 1940-.</i>
<i>FHG</i>	<i>C. and Th. Müller, Fragmenta Historicorum Graecorum. Paris, 1853-72.</i>
<i>FIR</i>	<i>C. G. Bruns, Fontes iuris Romani antiqui, 7th ed., by A. Gradenwitz, 1909.</i>

ABBREVIATIONS

<i>Forsch. in Eph.</i>	<i>Forschungen in Ephesos, veröffentlicht vom öst. arch. Inst., 1906-.</i>
<i>IG</i>	<i>Inscriptiones Graecae.</i>
<i>IGRR</i>	R. Cagnat and G. Lafaye, <i>Inscriptiones Graecae ad res Romanas pertinentes.</i> Paris, 1911-20.
<i>ILS</i>	H. Dessau, <i>Inscriptiones Latinae Selectae.</i> Berlin, 1892-1916.
<i>Inscr. It.</i>	<i>Inscriptiones Italiae xiii</i> , ed. A. Degrassi, 1947.
<i>JÖAI</i>	<i>Jahreshefte des österreichischen arch. Institutes in Wien.</i>
<i>JRS</i>	<i>Journal of Roman Studies.</i>
Kaibel, <i>Ep. Gr.</i>	G. Kaibel, <i>Epigrammata Graeca ex lapidibus conlecta.</i> Berlin, 1878.
<i>LS⁹</i>	Liddell and Scott's <i>Greek-English Lexicon</i> , 9th ed.
<i>OGIS</i>	W. Dittenberger, <i>Orientis Graeci Inscriptiones Selectae.</i> Leipzig, 1903-5.
<i>PBSR</i>	<i>Papers of the British School at Rome.</i>
<i>PIR¹, PIR²</i>	<i>Prosopographia Imperii Romani</i> , 1st ed. Klebs-Dessau, 1897-8; 2nd ed. A-F, Groag-Stein, 1933-43; G, <i>curaute</i> J. Stroux, 1951. (Each of these editions is referred to by the initial letter of the relevant <i>nomen</i> , followed by the serial number of that letter.)
<i>PSI</i>	<i>Papiri greci e latini della società italiana.</i>
<i>RE</i>	Pauly's <i>Realenzyklopädie der klassischen Altertumswissenschaft</i> , ed. Wissowa-Kroll-Mittelhaus-Ziegler, 1894-. (References to this work are by the <i>word</i> under which the reference will be found; in the case of proper names, the number following is the serial number of the article under that name; any further number is a column-number. Names of authors of the articles are given in parentheses.)
<i>Rh. Mus.</i>	<i>Rheinisches Museum für Philologie.</i>
<i>Röm. Mitt.</i>	<i>Mitteilungen des deutschen archäologischen Instituts, röm. Abteilung.</i>
<i>SBAW</i>	<i>Sitzungsberichte der bayerischen Akademie der Wissenschaften, philos.-philol. u. hist. Klasse.</i>
<i>SEG</i>	<i>Supplementum Epigraphicum Graecum.</i>
<i>SPAW</i>	<i>Sitzungsberichte der preussischen Akademie der Wissenschaften, phil.-hist. Klasse.</i>

ABBREVIATIONS

<i>Syll</i> ³	W. Dittenberger, <i>Sylloge Inscriptionum Graecarum</i> , 3rd ed. Leipzig, 1915-24.
<i>TAPA</i>	<i>Transactions of the American Philological Association</i> .
<i>Thes. L.L.</i>	<i>Thesaurus Linguae Latinae</i> .
<i>YCS</i>	<i>Yale Classical Studies</i> .
<i>ZSS</i>	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung</i> .

The abbreviations of book-titles used are in general sufficient to indicate their full title; but note the following:

Barbieri, <i>Albo</i>	G. Barbieri, <i>L'albo senatorio da Settimio Severo a Carino</i> (193-285). Rome, 1952.
Cuq, <i>Mémoire</i>	Édouard Cuq, 'Mémoire sur le <i>consilium principis</i> d'Auguste à Dioclétien': <i>Mémoires présentés par divers savants à l'Académie des inscriptions et belles-lettres</i> , série 1, IX (1884), 311-504.
Dessau, <i>Gesch.</i>	H. Dessau, <i>Geschichte der römischen Kaiserzeit</i> . Berlin, 1924-30.
Drumann-Groebe	W. Drumann, <i>Geschichte Roms</i> , 2nd ed. by P. Groebe. Berlin, 1899-1929.
Durry, <i>CP</i>	M. Durry, <i>Les cohortes prétoriennes</i> , Paris, 1938.
<i>Ges. Schr.</i>	Gesammelte Schriften von Th. Mommsen. Berlin, 1905-13.
Grant, <i>Aspects</i>	M. Grant, <i>Aspects of the Principate of Tiberius</i> . New York, 1950.
Hirschfeld, <i>Vb</i> ²	O. Hirschfeld, <i>Die kaiserlichen Verwaltungsbeamten bis auf Diocletian</i> , 2. Aufl. Berlin, 1905.
Hitzig, <i>Die Assessoren</i>	H. F. Hitzig, <i>Die Assessoren der römischen Magistrate und Richter</i> . Munich, 1893.
Homo, <i>IPR</i>	L. Homo, <i>Les Institutions politiques romaines</i> . Paris, 1927.
Jardé, <i>Études</i>	A. Jardé, <i>Études critiques sur la vie et le règne de Sévère Alexandre</i> . Paris, 1925.
Kunkel, <i>Herkunft</i>	W. Kunkel, <i>Herkunft und soziale Stellung der römischen Juristen</i> . Weimar, 1952.
Von Premierstein, <i>Das Attentat</i>	A. von Premierstein, 'Das Attentat der Konsulare', <i>Klio</i> , Beiheft VIII, 1908.

ABBREVIATIONS

- SEHRE* M. Rostovtzeff, *Social and Economic History of the Roman Empire*. Oxford, 1926.
- StR* 1³, II³, III Th. Mommsen, *Römisches Staatsrecht*, vols. I, II, 3rd ed., vol. III. Leipzig, 1887-8.
- Strafr* Id. *Römisches Strafrecht*. Leipzig, 1899.
- Syme, *RR* R. Syme, *The Roman Revolution*. Oxford, 1939.
- Volkman, *Rechtsprechung* H. Volkman, 'Zur Rechtsprechung im Principat des Augustus', *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte*, XXI, Munich, 1935.
- Waddington, *Fastes* W. H. Waddington, *Fastes des provinces asiatiques de l'empire romain depuis leur origine jusqu'au règne de Dioclétien*. Paris, 1872.
- WW* A. von Premerstein, 'Vom Werden und Wesen des Prinzipats', *ABAW*, Neue Folge, Heft xv, 1937, aus dem Nachlass herausgegeben von Hans Volkman.

After proper names, figures in italic type and in parentheses (thus: Cornelius Gallus (114)) refer to the Prosopographical Index.

INTRODUCTION

LE *consilium principis* occupe une place trop importante dans l'histoire du gouvernement des empereurs pour ne pas être l'objet d'une étude particulière.¹ It is not a neglected subject; Mommsen treated it in the *Staatsrecht*, Seeck and de Ruggiero in the great encyclopedias, Cuq and Cicogna in entire monographs:² but there has resulted a remarkable diversity of opinions, and those who have followed these scholars in composing the brief paragraph that most writers on the Roman Empire find it necessary to devote to imperial councils have fallen into a certain vagueness of treatment in consequence. To dispel this confusion, and to provide for the first time a full account of the subject in English, is the purpose of the present work.

It cannot be pretended that much completely new evidence has turned up in the past fifty years. Apart from one or two important new epigraphical texts, such as the S.C. Calvisianum from the Edicts of Cyrene and the report of judicial proceedings under Caracalla from the Syrian village of Dmeir, the only extensive source that was not available to Cuq is the 'Acts of the Pagan Martyrs'.³ Consequently this investigation rests on much the same basis as its forerunners, though they by no means fully exploited the literature that can be brought to bear on the subject; the main difference is that it will have much more to say about the *amici principis*, an aspect of the matter which Mommsen, though not unaware of its importance, put aside of set purpose, on the ground that it belonged to history and not to 'Staatsrecht'.⁴

According to Édouard Cuq, whose admirable monograph, still often quoted as the standard work, was published in 1884, the history of the

¹ É. Cuq, 'Mémoire sur le *consilium principis* d'Auguste à Dioclétien', *Mémoires présentés par divers savants à l'Académie des inscriptions et belles-lettres*, série 1, IX (1884), 311-504, p. 312. Cf. the delightful remark of an older scholar, C. G. Haubold, *De Consistorio Principum* (Leipzig, 1788-9), p. 3: 'tantum vero abest ut tam splendidum imperatorii fastigii consortium pro dignitate sua a veteribus vel recentioribus scriptoribus satis fuerit descriptum, ut potius nobis, de argumento libelli academici cogitantibus, non visum fuerit ullum vel suavitate sua vel novitate vel etiam si velis gravitate magis commendabile quam quod de Consistorio Principum Romanorum exponeret'.

² Mommsen, *StR* II⁸, 902-4; 988-992; III, 1263 (cf. *Strafr.* 266-8): *RE*, *consistorium* (Seeck): *DE* II, 614-620 (de Ruggiero): Cuq, op. cit.: G. Cicogna, *Consilium Principis. Consistorium. Ricerche di diritto romano pubblico e di diritto privato* (Torino, 1902).

³ See Appendix 2.

⁴ *StR* II⁸, 904.

consilium principis is as follows. From the very beginning of the principate there was established a deliberative body designed to replace the senate in its function as *consilium publicum*. It began as the six-monthly senatorial probouleutic committee described by Suetonius and Dio. Senators were gradually ousted from their predominance, and the six-monthly rotation was abandoned; but, except for a short lapse from A.D. 26 to 41, the council continued in being, and occasional glimpses of it may be seen, as in Juvenal IV, 37-149. Hadrian turned it into a mainly legislative organ, Septimius into a 'conseil de gouvernement'; and finally it became the *consistorium* of the late Empire. Everything in the sources, then, in Cuq's view, belongs to the continuous historical development of a single institution.

Mommsen, on the other hand, made certain fundamental distinctions,¹ and believed in the existence of three separate institutions. First, in his view, the senatorial committee established by Augustus survived, in a somewhat altered form, under Tiberius until 26, whereupon it disappeared and was never revived, though a body with some similarity to it appeared for a short time during the reign of Severus Alexander. Secondly, for everyday political and administrative advice, every *princeps* from Augustus to Diocletian went to whomsoever of his *amici* and courtiers he chose. In the third place, rigidly to be distinguished again—and dealt with by Mommsen in a different section altogether²—is the legal council³ which, grounded on republican precedent, was used all through the principate, but became an official, salaried and permanent body under Hadrian.

Here, then, is the basic divergence, which has been the parent of innumerable discrepancies in detail and has led to the quoting of well-known passages from the sources as examples of quite different things. The present reinvestigation will show that the distinction made by Mommsen between the first and second of these institutions is indeed essential, but that that between the second and third cannot stand, at least in the rigid form in which he propounded it. The accepted view of the part played by Hadrian in developing and formalizing the *consilium* will also be found to have been overstated.

¹ *StR* II³, 902-4. Mommsen's view is here quoted after Cuq's for the sake of clarity of exposition, but the earlier editions of the first two volumes of *StR* were of course published before Cuq's work (*StR*¹, 1871; *StR*², 1876).

² *Ib.* 988-992.

³ Used both in the judicial sphere and in that of legislation (or what amounted to the same thing before the emperor's power of legislation was officially recognized).

INTRODUCTION

But the most interesting results are to be obtained by a shift of perspective—by looking at the *consilium* not merely as a constitutional organ, but as a group of *amici principis*, and by observing the continuity and the solidarity of experience which they brought to the solution of Rome's imperial problems. By this means the detailed study of a small number of texts and inscriptions can be integrated with that much wider and more important question, about which so little is yet known, how the Roman Empire was governed from day to day in practice.

CHAPTER I

THE REPUBLICAN BACKGROUND

IN no sphere is the work of Augustus intelligible without an understanding of the legacy of tradition and public opinion which he inherited from the Republic. This is particularly true in the matter of imperial councils, because here he did make a considerable innovation,¹ the purpose of which was nevertheless to come to terms with, not to overthrow, the tradition of the centuries that lay behind him. What follows will be a brief sketch of the forms and development of *consilia* in the republican period.²

The Romans had an immemorial tradition that men in positions of responsibility should not take decisions alone. In the private sphere the *paterfamilias* would call a family council before inflicting capital punishment, and the *dominus* would summon his friends in order to manumit a slave.³ This was essentially a matter of custom, for legally both *paterfamilias* and *dominus* had absolute power in their respective spheres.⁴

In the public sphere the kings had been in the same position. Tarquinius Superbus 'cognitiones capitalium rerum sine consiliis per se solus exercebat',⁵ clearly in contrast to his predecessors. Livy is probably right about this,⁶ for not only does a circle of nobles advising—though in no way limiting—the king seem to be a regular concomitant of primitive monarchy,⁷ but in view of the early growth of the Roman community it has been suggested that the senate, or its embryo, may have been there before the king, who was possibly at first a liaison officer between the heads of the tribal groups that merged to

¹ As rightly remarked by M. Hammond, *The Augustan Principate*, 164.

² Much of the material is derived from Liebenam's article '*consilium*' in *RE*. Hitzig, *Die Assessoren* is also useful.

³ Not by the formal modes of manumission, but by the informal *manumissio inter amicos* (though this phrase may not refer to the presence of the *consilium*; see F. Schulz, *Classical Roman Law*, 84).

⁴ For examples of the domestic *consilium*, which lasted into Imperial times (e.g. Augustus himself acted on a friend's *consilium*, *Sen. de Clem.* i, 15, 3-4), see Liebenam, *op. cit.* 915-17.

⁵ Livy i, 49, 4.

⁶ *Pace* Liebenam, *op. cit.* 917, though it is true that this is part of the stock picture of a tyrant; cf. Livy xxiv, 22, 6.

⁷ See *RE*, *senatus* (O'Brien Moore), Suppl.-Bd. vi, 660.

form the early city.¹ Nor is there any reason to suppose that the use of such a council was confined to judicial matters. At any rate when the kings had gone (whether as a result of expulsion or devolution), the senate's relation to the holders of *imperium* remained the same. It was *consilium publicum*, and the magistrate, though not legally bound either to consult it or to accept its decisions, was morally obliged to do both.

Promagistrates, the governors of provinces, were expected to take notice of instructions from the senate, but naturally could not consult it from day to day. For them, therefore, the practice was to form a council from their entourage, their *comites* (and partly, at least in legal matters, from local Roman citizens of standing). The principle was exactly the same; entire liberty of choice and ultimate freedom of decision—but here also the moral obligation made itself felt.²

Sometimes a magistrate was instructed by the senate to hold a special *cognitio*, and supplied with a *consilium* for the purpose.³ Of this kind was the 'hanging court' set up in 132 under the consuls Popillius Laenas and Rupilius to deal with the followers of Ti. Gracchus;⁴ and on another occasion, the consuls, on a mission 'agro dividendo dandoque', themselves applied to the senate for a council of five.⁵

The magistrate took his decision 'de consilii sententia',⁶ and on official documents the names of the members of the council were often appended, as in *ILS* 8888, the famous grant of Roman citizenship to members of the *turma Salluitana* by Cn. Pompeius Strabo; *FIR*⁷ 42, the S.C. de Oropiis of 73 B.C. (ἐν συμβουλίῳ παρήσαν Μάαρκος Κλαύδιος κτλ.); and *IGRR* IV, 262, a letter to Pergamum announcing the decision of a praetor taken after consulting a *consilium* of at least thirty-three members.

Naturally, the people most concerned of all with the use of a *consilium* were the praetors. The jury of a *quaestio perpetua*, indeed, was only in a rather special sense a *consilium*. The praetor chose the *album*, but had no direct control over the composition of the jury for any given case; and, moreover, the jury's decision was binding.⁷ There was, however, a place for a *consilium* in criminal proceedings, namely in the

¹ See G. Pacchioni, 'Dalla monarchia alla repubblica', *Atti della Reale Accademia delle Scienze di Torino*, LX (1924-5), 679-80, 684.

² Cic. *II in Verr.* v, 9, 23.

³ E.g. Livy xxix, 20, 4.

⁴ Cic. *de Am.* xi, 37.

⁵ Livy xl, 38, 7.

⁶ E.g. Cic. *pro Balb.* 8, 19; *II in Verr.* ii, 17, 41; v, 21, 53-4; *Brut.* 22, 86. Cf. 'more maiorum ex consiliis decretis', Sall. *BJ* 62, 5.

⁷ Hitzig, *Die Assessoren*, 17. Nevertheless, Cicero sometimes called it a *consilium*: see A. H. J. Greenidge, *The Legal Procedure of Cicero's Time*, 416 and n. 1.

divinatio that preceded the trial.¹ The accused could also—and doubtless did whenever possible—dispute the right of the accuser to bring the charge,² and this *quaestio actionis* took place before the praetor and his *consilium* which, it appears, received in this capacity the technical name *curiosum consilium*, and had by the middle of the first century A.D. usurped to some extent the function of the praetor himself, becoming a standing body which received the original *postulatio*.³ In the sphere of civil jurisdiction, both the magistrate and the *iudex* employed a *consilium*, which might include at least one expert jurist.⁴

There is some sign that amid the political crises of the last century B.C. the senate came to accept a certain modification in its claim to be treated as *consilium publicum*. In a celebrated passage Cicero declares: '(maiores nostri) senatum rei publicae custodem praesidem propugnatorem collocaverunt, huius ordinis auctoritate uti magistratus et quasi ministros gravissimi consilii esse voluerunt'.⁵ The note is strained, and the orator is lavishing the greatest show of conviction upon that which is most likely to be disputed, for magistrates now sometimes consult an inner circle of their own choosing.⁶ In 66 B.C. 'L. Volcaciis Tullus consul consilium publicum habuit an rationem Catilinae habere deberet si peteret consulatum';⁷ this was not a full senate, but a meeting of consulars. Antony, after the assassination of Julius Caesar, held a series

¹ Greenidge, *op. cit.* 459–60, speaks of a 'jury'; but see *RE*, *divinatio* 1, 1235 (Hitzig).

² *Auct. ad Herenn.* 1, 22: et in publicis quaestionibus cavetur legibus ut ante, si reo commodum sit, iudicium de accusatore fiat utrum illi liceat accusare necne.

³ See J. Stroux, 'Eine Gerichtsreform des Kaisers Claudius (*BGU* 611)', *SBAW* 1929, Heft VIII, 54–9.

⁴ For the *consilium* of the urban praetor, see Cic. *de Or.* 1, 37, 168; for that of the *iudex*, Val. Max. VIII, 2, 2. It may be added here, since there will be no opportunity of returning to the subject, that the magisterial *consilium* did not, of course, lapse with the Republic. Every governor and every official with jurisdiction, down even to the subprefect of the fleet at Misenum, had his advisory council in imperial times (for a recent example see *AE* 1952, no. 122): Paulus, *Dig.* 42, 1, 54, 1, found it necessary to distinguish the emperor's court from the rest, especially from that of the *praefecti praetorio*, by calling it *maius auditorium*. See also *Dig.* 1, 22, 'de officio adessorum'. Some of the Julio-Claudians regularly acted as *adessores* of other magistrates: see, for Augustus, Dio LV, 34, 1; for Tiberius, Suet. *Tib.* 33; for Claudius, Suet. *Div. Claud.* 12, 2. For papyri mentioning the *consilium* of judges in Egypt, see R. Taubenschlag, *Law of Greco-Roman Egypt*, I, 395 n. 35; E. Balogh and H.-G. Pflaum in *Rev. hist. de droit français et étranger*, sér. 4, XXX (1952), 117–24.

⁵ Cic. *pro Sest.* 65, 137. Cf. *ad Fam.* III, 8, 4.

⁶ How much reliance can be placed upon the account of the committee of senior senators that appears in Livy IV, 6, 6, after the passing of the Canuleian laws, it is impossible to say: in any case he represents it as an emergency measure at a time when the senate could not be called.

⁷ Ascon. in *Or. in Tog. Cand.* 80.

of conclaves of the *primores civitatis* at his house, and was praised, not blamed, for it by Cicero;¹ and Vitruvius remarks that noblemen's houses require vast audience-rooms 'quod in domibus eorum saepius et publica consilia et privata iudicia arbitriaque conficiuntur'.²

So there were now inner deliberations which the senate did not expect to hear.³ The reasons for this are clear: constitutional customs had gone by the board one after another; family conclaves of the heads of great houses had long exercised a deep practical influence on affairs;⁴ great generals, accustomed to working with *consilia* of their own choice, found it irksome to deal with a full senate; and the growing complexity of administration made the opinions of the mere *pedarii* less and less valuable. Nevertheless, the principle had not been abandoned. The senate never set up a standing committee of itself; it continued to demand recognition as the guiding influence behind the magistrates, but was prepared to accept practical modifications. This was the position which Augustus inherited, and which he knew well how best to turn to his own and the state's advantage.

¹ Cic. *Phil.* I, 1, 2.

² Vitruv. VI, 5, 2.

³ Cf. also Cic. *ad Att.* VII, 7, 4; Caes. *BC* I, 6, 5.

⁴ Cf. Cic. *de Or.* I, 7, 24-5; *ad Att.* XV, 11, 1-2.

CHAPTER II

THE SENATORIAL COMMITTEE

AT the end of his sketch of the major constitutional features of the principate, and before beginning the chronological account of Augustus' reign—at a place of some honour and importance—Cassius Dio describes the establishment of a senatorial standing committee:

τὸ δὲ δὴ πλεῖστον τοὺς τε ὑπατοὺς ἢ τὸν ὑπατον ὁπότε καὶ αὐτὸς ὑπατεύοι, κάκ τῶν ἄλλων ἀρχόντων ἓνα παρ' ἐκάστων, ἕκ τε τοῦ λοιποῦ τῶν βουλευτῶν πλῆθους πεντεκαίδεκα τοὺς κλήρω λαχόντας συμβούλους ἐς ἑξάμηνον παρελάμβανεν, ὥστε δι' αὐτῶν καὶ τοῖς ἄλλοις πᾶσι κοινοῦσθαι τρόπον τινὰ τὰ νομοθετούμενα νομίζεσθαι. ἐσέφερε μὲν γάρ τινα καὶ ἐς πᾶσαν τὴν γερουσίαν, βέλτιον μέντοι νομίζων εἶναι τὸ μετ' ὀλίγων καθ' ἡσυχίαν τὰ τε πλείω καὶ τὰ μείζω προσκοπεῖσθαι, τοῦτ' οὖν ἐποίησε καὶ ἔστιν ὅτε καὶ ἐδίκαζε μετ' αὐτῶν.¹

Suetonius also accords this body a brief mention: '...sibique instituit consilia sortiri semenstria, cum quibus de negotiis ad frequentem senatum referendis ante tractaret.'²

The committee consisted of the emperor himself, the consul or consuls, certainly a praetor, an aedile and a quaestor, possibly a *tribunus plebis*,³ and fifteen senators drawn by lot. The emperor was, of course, a permanent member: Dio here implies that all the rest were subject to a six-monthly rotation. But this cannot have been so in the case of the consuls, for epigraphical evidence to which we shall return later proves the existence of the committee in 4 B.C. at the very latest, whereas six-monthly consulships did not become the rule until A.D. 2.⁴

¹ Dio LIII, 21, 4. See Volkmann, *Rechtssprechung*, 64–6 on the significance of δικάζειν in this passage.

² Suet. *Div. Aug.* 35, 3.

³ The question how far tribunes were regarded as magistrates is for the early Republic a ticklish one, but by Augustan times they were certainly so regarded, for all practical purposes; see Mommsen, *StR* II⁸, 306f.; G. Niccolini, *Il tribunato della plebe* (Milan, 1932), 136–40. In any case, what needs to be known in the present connexion is Dio's view of the matter, which can best be gathered from Dio-Zon. VII, 15, and from the fact that Maecenas is made to include the tribunate amongst the ἀρχαὶ in LII, 20, 2–3. It seems, therefore, quite likely that there may have been a tribune on the committee. (See G. Vrind, *De Cassii Dionis vocabulis quae ad ius publicum pertinent*, 47–57, esp. 55 and n. 126.)

⁴ As can be seen from A. Degraffi, *I fasti consolari* (Rome, 1952), the most up-to-date consular list, the practice of having a change of consuls at some time during the year was

Since therefore Dio's ἐξ ἑξαμηνιον does not apply to all, it may not apply to any of the magistrates, but only to the ordinary members; and this suggestion seems to receive some corroboration from the other passage in which Dio refers to the committee,¹ where καθ' ἑκμηνιον apparently only applies to the fifteen. But, if this is so, the question still remains whether from A.D. 2 onwards, when the consuls became regularly six-monthly, the rest followed suit. The other possibility is to suppose that from the beginning only the consuls served for a whole year and all the rest for six months. Dio's failure to be explicit makes it impossible on present evidence to draw any conclusion as to the exact organization of the committee. What is clear is that at the end of each year at least there was a complete break in continuity, except for the emperor himself. No better way could be found to bring together a cross-section of senatorial opinion, no worse way to achieve any degree of expert advice; and in fact it was not Augustus' design to do the latter.

Suetonius says clearly that the function of the committee was exclusively probouleutic, to prepare such business as was intended to go before the full senate: with imperial policy in the wider sense it had nothing to do.² It was a constitutional novelty, and Augustus' purpose in establishing it deserves careful consideration. Dio says it was appointed to deal more quietly and efficiently with important issues, and that is doubtless true as far as it goes. Augustus' ideal strength for a Roman senate was 300,³ but even in 18 B.C., by the most drastic methods, he did not succeed in reducing it to below twice that size.⁴ Its procedure also was too formal for preliminary discussion—like a Commons without a Cabinet. Dio goes more to the root of the matter, however, in his previous sentence, '*...so as to create the impression that through them the whole body had some share in what was being becoming regular from about 5 B.C.; but the neat division into two equal six-monthly terms, with suffaction *ex kal. Iul.*, does not begin till A.D. 2 (or at least A.D. 1, when one of the consuls was replaced in this way).*

¹ Dio LVI, 28, 2-3.

² Dio's προσκοπιεσθαι confirms this (and his language also shows that the use of the committee in a judicial capacity was exceptional). The rigidity of distinction between the emperor's and senate's spheres should not, however, be overstressed (though the fault of most contemporary discussions is the other way). Grant points out, for example (*From 'Imperium' to 'Auctoritas'*, 98), that *senatus consulta* applied all over the Empire, and that it was only through the senate that the emperor could exercise official control over the *aerarium*; hence some at least of Augustus' dealings with the senatorial committee had an empire-wide significance.

³ According to Dio LIV, 14, 1.

⁴ On the probable size of the Augustan senate, see Syme, *PBSR* XIV (n.s. 1) (1938), 25-29. Dessau exaggerates its incompetence, *Gesch.* I, 133.

debated'.¹ If the emperor introduced proposals unheralded into the full senate, it might well complain that it had no chance to influence their drafting; the new committee made such a complaint impossible. Vice versa, of course, if—as was in theory quite possible—the consuls had a measure of their own to propose, there had to exist some machinery for prior consultation with the emperor. Right impressions were the foundation of Augustus' success, and this particular constitutional innovation was from the senate's point of view a safeguard for the constitution.

To the emperor, one great advantage of the new committee was the possibility of its use as a sounding-board. He could propound a scheme, note reactions, forestall objections, even make concessions,² and so prepare a measure as palatable as possible for the full senate. And the councillors went away fully informed and ready to inform others, and with that feeling of responsibility which a man always has for proposals that he has helped to draft. For ἔστι που πᾶσιν ἀνθρώποις ἔμφυτον . . . τὸ πάντα τὰ μετὰ σφῶν τινι γνωσθέντα καὶ ἐπαινεῖν ὡς οἰκεῖα καὶ ἀγαπᾶν ὡς αὐθαίρετα.³ Thus, when the measure finally came before the senate, introduced, if important enough, by a set speech of the emperor himself, it fell upon prepared ground; the surprise objection and the embarrassing question were avoided, and Augustus escaped the squabbles and undignified scenes into which his successor allowed himself to be drawn.⁴ Finally, as the members of the committee shared responsibility for drafting, so they shared any odium which an unpopular decision might arouse.

Cicero described the function of the *consilium principis* from Augustus to Hadrian as 'to decide with the emperor those cases whose judgment he reserved to himself, and to prepare motions submitted to the approval of the Senate'.⁵ Both this general judicial function and much wider political functions were performed, but not by the six-monthly committee. In such matters Augustus' advisers were the *amici principis*, Agrippa, Maecenas and the rest, whose meetings were none the less important for their lack of publicity. Doubtless it was they who initiated the schemes that were presently propounded to the senatorial

¹ Cary in the Loeb translation (vol. vi, 249) prefers the other sense of νομίζεσθαι. He may be right; Nawiijn's *Index Graecitatis* to Boissevain's edition fails to quote this passage, and Dio's general use of the word would seem to sanction either possibility.

² Cf. Dio LIII, 21, 3.

³ Id. LII, 32, 1.

⁴ More detailed treatment of this matter will be found in Appendix 1.

⁵ *Mémoire*, 327.

committee, which was not permanent or expert enough to initiate anything.¹ And it was they who provided the starting-point in the long history of imperial *consilia* in the true sense. The committee was an experiment, and a successful one, but it was part of a delicate instrument upon which only Augustus had the subtlety to play.

Its date of establishment cannot be said to be exactly known. Dio's account of it comes under the year 27 B.C., but in a general discussion which is explicitly put outside the chronological sequence by the words with which he opens the following paragraph: τὸ μὲν οὖν σύμπαν οὕτω τὴν ἀρχὴν διώκησε. . . . On the one hand it might be argued that Dio's words ἢ τὸν ὑπατον ὁπότε καὶ αὐτὸς ὑπατεύοι are not likely to refer to the period after 23 B.C., in the whole of which Augustus was consul only twice, and each time for very short periods. On the other hand, between 27 and 23 he was hardly in Rome at all, so that even if established the committee can have had no practical function. By 18 B.C., at any rate, the great programme of social legislation was under way, and in this, if in anything, the committee must have played its part. And since it seems improbable that any committee was chosen by lot from the senate before its undesirables were persuaded to retire at the *lectio* of 28, one can take 27 and 18 as the reasonable limits within which the new organ must have come into existence.

The only certain date at which the institution was in being is the first half of 4 B.C., for it is mentioned in the preamble of the S.C. Calvisianum from the fifth edict of Cyrene:

ὑπατοὶ λόγους ἐποιήσαντο περὶ ὧν Αὐτοκράτωρ Καῖσαρ Σεβαστὸς ἡγεμῶν ἡμέτερος, ἐκ ξυμβουλίου γνώμης δ' ἐκ τῆς συνκλήτου κληρωτὸν ἔσχεν, ἀνενεχθῆναι δι' ἡμῶν(ι) πρὸς τὴν βουλὴν ἠθέλησεν.²

This epigraphical testimony neatly confirms the essentially probouleutic function of the committee; it has here prepared a bill revising—in a rather obscure way—the procedure for the trial of extortion cases, which is then presented to the senate in an official *relatio* by the consuls.³ A legal measure of this kind is hardly likely to have originated within

¹ See Syme, *RR* 408–9.

² *SEG* 1x, 8, ll. 84–9.

³ On the fact that it is done by the consuls and not by Augustus himself, see von Premerstein, in *ZSS* XLVIII (1928), 482, who thinks something must have been amiss, and, *contra*, Appendix 1.

the committee: as Stroux has observed, there was probably a jurist at the back of it,¹ though the ambiguity of the result shows that it was taken out of his hands and finally drafted by laymen.

Another text which purports to be official, and which is often quoted as referring to the senatorial committee, is part of one of the notorious 'documents' embedded in Josephus:

ἔδοξε μοι καὶ τῷ ἐμῷ συμβουλίῳ μετὰ ὀρκωμοσίας, γνώμη δῆμον Ῥωμαίων, τοὺς Ἰουδαίους χρῆσθαι τοῖς ἰδίοις ἔθισμοις κατὰ τὸν πατρίον αὐτῶν νόμον.²

This is supposed to be an edict according full religious and national privileges to the Jews of the dispersion, which ἐστηλογραφήθη ἐν τῷ Καίσαρος ναῷ at Ancyra.³ It is dated by the mention of C. Marcius Censorinus (222) who was proconsul of Asia probably in A.D. 2,⁴ and is the first of a series of official texts piled together for apologetic purposes by Josephus' source, in utter disregard of chronology.⁵ Whatever may be the authenticity of its contents, its terminology cannot be genuine. That Hyrcanus should have received the title of ἀρχιερεὺς θεοῦ ὑψίστου in an official Roman document is unlikely: that Augustus and his συμβούλιον should pledge the γνώμη of the Roman people is impossible. Imperial edicts stood on their own feet and neither needed nor were entitled to claim any reference to the people. Nor does there seem to be any Roman documentary formula of which γνώμη δῆμον Ῥωμαίων could be an equivalent. Doubtless, as Niese said, the writer

¹ In Stroux-Wenger, 'Die Augustus-Inschrift auf dem Marktplatz von Kyrene', *ABAW* xxxiv (1928), Abh. 2, 112-13.

² Jos. *AJ* xvi, 163.

³ The MSS. have ἐν ἀργύρῃ. Scaliger proposed Ἀγκύρῃ, but this was rejected by Chishull and by Mommsen, ed. *RGdA* x, n. 1, who preferred Περὶγάμῳ: for Ancyra, of course, was not in Asia. However, the edict appears to apply to the whole dispersion.

⁴ Waddington, *Fastes*, 102: *RE*, Marcius 44, 1552 (Miltner).

⁵ There is a large literature on these documents in general, though little is said of the details of this particular one. General references: E. Schürer, *Gesch. des jüdischen Volkes*, III⁴, 113, n. 47; J. Juster, *Les Juifs dans l'empire romain*, I, 149-52, esp. 151 n. 1. More detailed treatment: B. Niese in *Hermes* xi (1876), 466-88, esp. 483; P. Viereck, *Sermo graecus*, 96-116; H. Willrich, *Urkundenfälschung in der hellenistisch-jüdischen Literatur*, 4-10; A. Momigliano, 'Ricerche sull'organizzazione della Giudea', *Annali Pisa*, ser. 2, III (1934), 192-201. There is agreement on two essential points: (a) The wording of the texts is false (Momigliano speaks of a paraphrase by a man who did not understand the formal distinctions involved). There is, for instance, a notorious case in which a διατάγμα is confused with a δόγμα συγκλήτου. (b) Though Josephus tries to give the impression that he has consulted archives, in fact he has not.

had in mind some such phrase as 'de consilii sententia';¹ but for that there was a standard Greek equivalent, ἐκ συμβουλίου γνώμης.²

This passage should not in any case be invoked in a discussion of the senatorial committee, for another reason. If, as need not be doubted, there was a Jewish embassy at this date, resulting in an edict of toleration, Augustus probably decided the matter with the help of that kind of council with which he had settled Jewish problems on another occasion, as will later be seen.³ It was not a probouleutic body; the matter had nothing to do with, and was not referred to, the senate; and it resulted not in a *senatus consultum* but in an edict, as in this case. The body that dealt with affairs of this sort was not the six-monthly committee, but the council of *amici principis*, invited by the emperor as he chose.

Being a routine body, the senatorial committee has not left any specific traces of its activity in the literary sources, but Dio mentions under the year 9 B.C. some reforms which need to be brought into connexion with it. Senatorial attendance was falling off: in 17 B.C. it was found necessary to increase the penalties for non-attendance,⁴ and in 11 B.C. the quorum required to pass a valid *senatus consultum* had to be reduced below the regular 400.⁵ Now it was no part of the committee's function to by-pass the senate; in fact it was essential for right appearances that what the former had worked out a full and proper senate should ratify. Consequently, when it became difficult to secure a quorum, Augustus was obliged to make a new ruling. There were to be only two compulsory meetings of the senate a month, on the kalends and ides (κύρια βουλαι, *legitimi senatus*); in September and October a quorum was to be chosen by lot, and only those chosen obliged to stay in the city; and if by any mischance the necessary number should still not be available, those present were to promulgate their opinion in the form of an *auctoritas*.⁶

No doubt the compulsory meetings were those at which the business passed down from the committee was presented to the senate, which

¹ Op. cit. 483; but in his edition of Josephus, ad loc., Niese offers a different suggestion as to the original Latin: 'placuit mihi et senatui cum sententia populi Romani.' But συμβούλιον is never equivalent to *senatus*; see Viereck, op. cit. 72; D. Magie, *De Romanorum iuris publici sacrique vocabulis sollemnibus in Graecum sermonem conversis*, 4-6 and 43-4.

² As can be seen from the S. C. Calvisianum and even from one of the Josephan documents themselves (*AJ* xiv, 192, μετὰ συμβουλίου γνώμης).

³ Below, Ch. iv, 32-3.

⁴ Dio LIV, 18, 3.

⁵ Ib. 35, 1.

⁶ This is a combination of Dio LV, 3, 1-5 and Suet. *Div. Aug.* 35, 3. Casaubon suggested adding β' or δύο before βουλὰς κατὰ μῆνα to conform to Suetonius' 'bis in mense'.

cannot have had time in a single fortnightly session to do much more than listen to the speeches and ratify the proposals. Its members were however given a chance to consider in advance any remarks they might wish to make, for a further enactment laid down that measures must be posted beforehand on a notice-board in the curia, which would oblige the committee to formulate them more succinctly.

Dessau adduced,¹ as an argument for the practical uselessness of the committee, Dio's account of the steps taken by Augustus in A.D. 5 and 6 to secure a regular source of income for the *aerarium militare*, which included a canvass of individual senators for their suggestions under seal.² Why should this have been necessary if the committee was doing its job? There are two answers; first, that it met regularly and went about its business quietly, and must not be assumed absent merely for lack of explicit mention; and secondly, that careful reading of the passage will show where the committee had its part to play. Augustus began the attack with one of his formal speeches to the senate, which at once implies a motion worked out in advance by the probouleutic body. But the opposition was exceptionally strong, and he had to go to special lengths to meet it. Since his purpose was to disarm opposition, he can hardly have thrown the individual suggestions away unread, and it may be conjectured that he went through them with the committee, putting pressure on it to reject them in favour of his own scheme (perhaps at the first meeting of the new members for A.D. 6, before they were very sure of their powers and duties), which was then formulated, posted, proposed, and ratified by a senate which, however reluctant, could not claim that its views had been ignored.

That is all that is known about the *semenstria consilia*, except the most important fact of all, that they continued to function unchanged almost to the end of Augustus' reign, a sure sign, amidst all the experiments of that long period, that they were playing a useful part. At last, in A.D. 13, they were reorganized:

καὶ συμβούλους ὑπὸ τοῦ γήρωος, ὅφ' οὔτε οὐδ' ἐς τὸ βουλευτήριον ἔτι πλὴν σπανιωτάτα συνεφοίτα, εἴκοσιν ἑτησίους ἡτήσατο· πρότερον γὰρ καθ' ἑκμηνον πεντεκαίδεκα προσετίθετο. καὶ προσεψηφίσθη, πάνθ' ὅσα ἂν αὐτῷ μετὰ τε τοῦ Τιβερίου καὶ μετ' ἐκείνων τῶν τε αἰεὶ ὑπατευόντων καὶ τῶν ἐς τοῦτο ἀποδεδειγμένων, τῶν τε ἐγγόνων αὐτοῦ τῶν ποιητῶν δῆλον ὅτι, τῶν τε ἄλλων ὅσους ἂν ἐκάστοτε προσπαράλαβη, βουλευομένῳ δόξῃ, κύρια ὡς καὶ πάσῃ τῇ γερούσιᾳ

¹ *Gesch.* I, 135.

² Dio LV, 24, 9-25, 6.

ἀρέσαντα εἶναι. τοῦτ' οὖν ἐκ τοῦ δόγματος, ὅπερ πού καὶ ἄλλως τῷ γε ἔργῳ εἶχε, προσθέμενος, οὕτω τὰ πλείω καὶ κατακείμενος ἔστιν ὅτε ἐχρημάτιζεν.¹

There are two levels of reorganization here. The first is merely superficial; the ordinary members become twenty in number and annual in tenure; the consuls designate are added and the other magistrates dropped, or at least not mentioned by Dio. But the second level is very deep indeed, and radically changes the nature of the institution. To begin with, the twenty senators are no longer stated by Dio to have been chosen by lot; in the second place, there are three more permanent members, Tiberius, his son Drusus and his adopted son Germanicus,² the three most powerful men in the state, whereas Augustus had up to that time carefully avoided overloading the committee with great men; thirdly, the emperor is empowered to add on any occasion as many extraordinary members as he pleases—to pack the council, in fact, in order to secure the decisions he wants—and most important of all, it ceases to be merely probouleutic, but can take decisions on its own responsibility, which are to have a validity equal to that of *senatus consulta*.³

Dio gives as a reason for the change the inability of the aged emperor to attend the senate any more, except on rare occasions. There is no cause to doubt the truth of this as far as it goes: if Augustus had been dissatisfied with his old committee he could have altered it long before. Nevertheless, the significance of the new institution must not be underestimated. Augustus did in fact die very soon, but there was no knowing that he might not hang on to life for some years; his *imperium* was renewed in accordance with that possibility. It was bound to be an awkward transitional period, in which only skilful handling would produce a smooth transfer of the reins of power. The new committee was nicely planned to enable Tiberius to increase his control as the old emperor became feebler. It may be guessed that Augustus well knew that his destined successor had not the temperament to guide successfully a purely senatorial probouleutic body of the old kind, and so acquiesced in a change of policy.

¹ Id. LVI, 28, 2–3.

² The ἑγγονοὶ ποιητοὶ must be these, by a process of elimination. Note that a few sentences later they appear as Augustus' principal spokesmen.

³ This is preferable to supposing Dio to mean that they were to count as actual *senatus consulta*, which seems to have been Mommsen's view (*StR* II⁸, 903). See von Premerstein, *WW* 195 and n. 1.

Hitherto there had been a complete dichotomy of composition and function between the senatorial committee and the councils of *amici* used by Augustus in wider matters of government. The new committee was a synthesis. It no longer referred to the senate, and so need not confine itself to senatorial business; it included the big men, with room for military and other experts if needed, and so was capable of governing the Empire from the Palatine; yet a place for a varied and substantial body of senators was assured upon it, so that the liaison between emperor and senate which had been its most valuable feature in the past was not entirely abandoned.

Two notable theories have recently been deduced from this passage of Dio. A. Magdelain thinks that it marks the decisive moment at which the *auctoritas* of the emperor ceased to be a merely moral force and became an official power of legislation;¹ for this δόγμα συγκλήτου of A.D. 13 gave the emperor and his successors *in perpetuum* the right to make decisions with the validity of *senatus consulta* as long as they consulted a committee beforehand (an unimportant proviso, since Augustus had always been in the habit of doing so in any case). This will not do; it ignores the context of the narrative. Dio is not talking in a general way about imperial edicts and their validity, but about the reorganization of the senatorial committee owing to the special circumstances of Augustus' physical decline. And the privilege is given, not simply to the emperor in general, but to the body consisting of Augustus and this particular fixed series of people precisely laid down, acting in committee. There is no indication that it was regarded as anything other than a concession to an old man, and no reason to suppose that it survived when the emperor and the committee for whom it was designed had passed out of existence.² It was after all not unreasonable for the senate to delegate part of its authority to a council in the membership of which it still had some voice; but under later emperors the senate no longer had anything to do with the *consilia* at all, and it would have been absurd for such bodies as those to make decisions

¹ A. Magdelain, *Auctoritas Principis*, 89f.

² Magdelain translates *ὅπερ καὶ ἄλλως τῷ γε ἔργῳ εἶχε* as 'qu'il possédait déjà en fait' (my italics). I do not think that Dio is here referring to Augustus' *auctoritas* in the days before the setting up of this particular committee, but that *ἄλλως* merely means 'in any case', i.e. that no one would have thought of opposing the decisions of this powerful new body, even if they had not been expressly confirmed by a *senatus consultum*. There is no warrant here for connecting the new power with the *auctoritas* in general, apart from the committee. The same objection applies to von Premerstein's treatment, *WW* 195.

'with the validity of *senatus consulta*', nor is there any evidence that they did so.¹

The second theory is that of Professor Michael Grant.² By the reform of A.D. 13, *auctoritas* devolved from the emperor to the committee. Hence, with its new power of making valid decrees on its own responsibility, that body could now, for example, control the *aerarium*;³ it was henceforward the 'medium of the *princeps*' executive activity'. Grant's general view of *auctoritas* cannot be discussed here,⁴ but with regard to the particular point, it is very doubtful whether the reorganization of A.D. 13 was intended to make any difference in the constitutional basis of imperial authority, and most unlikely that the new committee was thought of as superseding the senate. Though the committee was certainly able to make decisions concerning the *aerarium*, there is no ground for supposing that the senate lost its nominal control of that institution.⁵ Far from formally committing suicide in that year, the senate, from its own point of view, merely came to an arrangement to enable the old emperor to exercise upon its provinces and the institutions under its control *no less* an influence than he had previously wielded by his personal presence at its deliberations.⁶ The emperor, from his point of view, was smoothing the transition.

There is one other reference to the revised committee, in the *laudatio* of Augustus which Dio puts into Tiberius' mouth.⁷ Tiberius urges his audience to consider the Augustan senate, what a noble body it was, once purged of the accretions of the civil war, and how the emperor enriched it with honour and wealth and took part in its debates on an

¹ Objections similar to mine are raised by H. Last in *JRS* XL (1950), 122-3.

² Grant, *From 'Imperium' to 'Auctoritas'*, stated most clearly on p. 453. It is invoked to explain the reverse-legend of a coin (apparently of great rarity and by no means certain date), SILANVS P. AVG. (pp. 127-8), in which P. AVG. (*Permissu Augusti*) takes the place, in A.D. 13/14, of more normal legends such as EX S.C. and the like. In *Greece and Rome*, 1949, 112 n. 2, and in *The Six Main 'Aes' Coinages of Augustus* (Edinburgh, 1953), 51, Grant rejects Magdelain's theory of this Dio passage.

³ *From 'Imperium' to 'Auctoritas'*, 130.

⁴ See my remarks in *CR* LXVII (n.s. 3) (1953), 10-12. I remain unconvinced that *auctoritas* was the kind of thing that could 'devolve' or 'be transferred' at all.

⁵ In fact, of course, its control had never been more than nominal from the very beginning of Augustus' reign; and Grant's case for an innovation in A.D. 13 is weakened by his own account of *Permissu Augusti* as a common formula (p. 128) to be found even in the senatorial province of Baetica (pp. 321, 427-8).

⁶ Grant speaks of the significance of Tiberius as 'chairman' of the committee (Addenda, xvii). Dio does not imply that anyone but Augustus was chairman: that Tiberius was the most influential member is self-evident.

⁷ Dio LVI, 41, 3.

equal footing, even to giving his *sententia* with the rest and joining in the divisions:

οἷς πάντα τὰ μέγιστα καὶ ἀναγκαιότατα αἰεὶ ποτε ἢ ἐν τῷ συνεδρίῳ ἢ καὶ οἱκοι διὰ τε τὴν ἡλικίαν καὶ διὰ τὴν ἀσθένειαν τοῦ σώματος, παραλαμβάνων ἄλλοτε ἄλλους, ἐπεκοίνου.¹

Dio is confusing here: he hints at the rotatory nature of the organization, but seems unaware of the existence of any committee before Augustus' last years.

The references to *consilia* in that celebrated *suasoria* which Dio puts into the mouth of Maecenas are twofold.² In the first, he adumbrates a privy council with exceedingly wide functions. It is to concern itself with legislation, military policy, the choice of governors and the decision of rewards and punishments. The second scheme is for a purely judicial council, to consist of senior senators and *equites* (permanent members) and other consular and praetorian senators (ἄλλοι ἄλλοτε) as a kind of Staff College, to try them out before they take up imperial governorships. The relevance of these passages to the circumstances of Dio's own day will be discussed in its place; but it is clear that neither of them bears much relation to the practice of the Augustan principate as it was in fact constituted. There is no evidence for the existence either of an *official* administrative *consilium* with as wide a function as the first (though Dio may be glancing at the *unofficial* council of *amici*), or of a judicial body with as formal a procedure or fixed a membership as the second.

When Tiberius succeeded to the purple, he inherited the Augustan committee in its transitional form, with special powers and functions which had been given it to meet a contingency—the old age of the emperor—which no longer applied. Some change had to be made. Tiberius could go back to the *seminstria consilia*, or forward to something new. What he did is described by Suetonius: 'super veteres amicos ac familiares viginti sibi e numero principum civitatis depoposcerat, velut consiliarios in negotiis publicis. Horum vix duos ante tres incolumis praestitit. . . .'³

¹ Mommsen seems to have misunderstood this. 'The Princeps is also found joining in the debate', he says (*StR* II⁸, 991 n. 5), and quotes this passage—but with reference to the judicial *consilium*, which he carefully distinguishes from the senatorial committee. But the whole early part of the passage, in which τὴν γνώμην εἰδίδου occurs, concerns the *senate*, while the last few words are a reference, though a muddled one, to the senatorial committee.

² Dio LII, 15, 1-4; 33, 3-4.

³ Suet. *Tib.* 55.

There are two ways of looking at this Tiberian *consilium*. In one sense it is clearly a continuation of the Augustan committee, with its twenty *principes civitatis*¹ and the *amici*, for whom a place had already been made on the committee of A.D. 13; and the word 'depoposcerat', like Dio's ἡτήσαντο, suggests that the senate was even responsible for the choice of the twenty. But on the other hand the principle of rotation, the fundamental and characteristic feature of the Augustan system, has gone, and with it the probouleutic function. For practical purposes Tiberius has sounded the death-knell of the senatorial committee,² and so it becomes significant to notice that his new council is exactly like that chosen by Augustus to deal with the Palestinian situation in 4 B.C. (which will be fully described later). It is a συνέδριον φίλων τε τῶν αὐτοῦ καὶ Ῥωμαίων τῶν πρώτων, and belongs to a different line of development altogether.³ Perhaps Tiberius sincerely believed that he had preserved the essentials of the Augustan system, and that what he had thrown away was inessential; he might have argued that the *principes viri* had a better and more realistic part to play on a council that included the great *amici* and was not limited in its sphere of competence, and that since it was his principle to bring every issue before the senate, the new council was in practice probouleutic. But he had abandoned his liaison with the average member of the senate, and his chance to bring a wide circle of senators into contact and discussion with him. In so far as his new council has a history, it belongs to a later chapter.

The senatorial committee, once dead in principle, was never revived. Mommsen observed that the only body with any analogy to it was the council established for Severus Alexander by his mother, when he came to the purple at the age of thirteen.⁴ There was indeed a similarity, perhaps rather greater than is sometimes supposed, but in the changed circumstances of the third century the parallel was more apparent than real, and so Alexander's council will be more appropriately dealt with

¹ Nothing less than consulars, according to Gelzer, *Nobilität*, 38; but his view is not usually accepted in its full rigour.

² E. Schönbauer, in *AOAW* LXXXVII (1950), 118-19, points out how characteristic of Tiberius is the abandonment of the time-limit.

³ Syme, *RR* 408 n. 3, is right in saying that Tiberius' practice in the matter of *consilia* was more 'republican' than that of Augustus, when the senatorial committee is in question, for it was an un-republican institution (with a republican purpose). But the senatorial committee is only half the Augustan story; he too had his freely chosen 'republican' *consilia*, as will be seen.

⁴ Mommsen, *StR* 11³, 903.

in its chronological place. There was no longer any need by then for a probouleutic committee to help to maintain the senate's role as *consilium publicum*, for the senate had long since been content if now and then a crumb of serious business might fall from the emperor's table.¹ The Augustan committee was the product of a historical moment; it might have served a useful purpose for a little longer than it was allowed to, but after Tiberius the need for it never arose again.

¹ E.g. already in Trajan's day, Pliny, *Ep.* III, 20, 12.

CHAPTER III

‘AMICI PRINCIPIS’

THE institution of *amici principis* derives from two sources, the purely Roman political tradition of the Republic and the hierarchy of the Hellenistic courts. It is important not to over-emphasize one at the expense of the other.

The φίλοι were a characteristic feature of all the Hellenistic kingdoms, from the Seleucids to Tarcondimotus.¹ In the early years of the Successors especially, when they were not very firmly in their seats, the φίλοι provided, as Kortenbeutel says, a kind of legitimation. They were in those days usually the great generals, busy most of the time on campaign, and by no means permanent courtiers, but when they were at court they formed a συνέδριον to advise the monarch.²

As the succession kingdoms settled down, the φίλοι seem to have turned more and more into an honorific institution without a specific function. Thus the Ptolemaic φίλοι, who do not appear until comparatively late, and may have been borrowed from the Seleucids, though they had the most elaborate hierarchy of all, seem to have been purely titular and unconnected with any office—except possibly the συγγενεῖς, the highest grade of all, who were perhaps, like Attalus II’s ἀναγκαῖοι,³ the privy council. From about 200 B.C. onwards, a man will describe himself as ὁ δεῖνα τῶν φίλων or τῶν πρώτων φίλων or whatever his grade may be. Each rank had its appropriate dress and ornaments; the Ptolemaic συγγενεῖς sat at the royal board and were addressed as ἀδελφός or πατήρ by the monarch. This degree of formality was much

¹ The bibliography is extensive; I quote only a selection of the principal discussions. On the φίλοι in general: G. Corradi, *Studi Ellenistici*, parte II, ch. 4; *RE*, φίλος (Kortenbeutel).

On the Ptolemaic hierarchy: P. Strack, *Rh. Mus.* LV (1900), 166–90.

On συγγενεῖς: *RE*, συγγενής (Bickermann).

On the συνέδριον: J. Kaerst, *Gesch. d. Hellenismus*, II², I, 345; Corradi, op. cit. ch. I. Some epigraphical examples in C. B. Welles, *Royal Correspondence*, nos. 22, 44, 61.

On the relation of the *amici principis* to the Hellenistic φίλοι: A. Alföldi, *Röm. Mitt.* XLIX (1934), 28; M. Bang in L. Friedländer, *Sittengesch.* IV⁹⁻¹⁰ (Anhänge) 56–9; Corradi, op. cit. 330; M. Gelzer, *Nobilität*, 86 n. 5; A. von Premerstein, *WW* 224.

² Called *consilium amicorum* by Livy XLII, 62 (quoted by Corradi, who points out (op. cit. 248) that no hard and fast distinction was made between the administrative and judicial functions of these councils).

³ Welles, op. cit. no. 61 (= *OGIS* 315, vi), 3–13.

greater than any to which the Roman institution ever developed, but there seems no doubt that the nascent imperial court borrowed certain elements largely foreign to Roman society.¹ There are also some striking parallels between the functions of the Hellenistic φίλοι and their Roman counterparts, especially in the preservation of continuity of policy from one reign to the next,² but this is not so much borrowing as similar development.

For the concept of *amicus* was an integral part of the complicated political pattern of the Republic.³ Political *amicitia* was bound up with *clientela*, *hospitium*, *patronatus*, as one of the innumerable ways in which a man could win support by lending it—the nearest thing, in fact, that Rome ever had to a party system. The most celebrated passage about *amicitia* is Seneca's complaint of the hollowness of the system,⁴ from which it appears that C. Gracchus and Livius Drusus were the first to establish a hierarchy of *prima* and *secunda admissio* amongst their *amici*, presumably according to their political importance. This new formality may be the importation of a Hellenistic idea,⁵ but it had become part of the intimate structure of Roman society by Augustus' day, and continued to be the regular practice of the aristocracy quite apart from the imperial court.⁶

The *amici principis* were, then, a natural development from the political coteries of the late Republic, and do not need to be regarded as particularly Hellenistic or monarchical in spirit. They were, as they always had been, an artificial class; it was not necessary, in order to be an *amicus principis*, to be a personal friend of the emperor in any emotional sense. Juvenal speaks of Domitian's counsellors,

in quorum facie miserae magnaeque sedebat | pallor amicitiae,⁷

¹ Bang, loc. cit., stresses the introduction of the kiss into the *salutatio*. But see Alföldi, *Röm. Mitt.* XLIX, 40, who quotes Cic. *ad Att.* XVI, 5, 2 to show that even this custom was already prevalent amongst the upper classes of the late Republic.

² Cf. Welles, op. cit. no. 22, the πατρικοί φίλοι surrounding Seleucus II as Marcus' φίλοι surrounded Commodus; and Diod. xxxiv, 3, 1, Attalus Philometor liquidating the πατρῴοι φίλοι in order to go his own way, as Commodus is said to have done to those or Marcus.

³ See Gelzer, op. cit. 52–3 and n. 1, and the *Commentariolum Petitionis*, esp. 5, 16. R. Reitzenstein, *Sitzungsb. d. Heidelb. Akad.* 1912, no. 12, 15 f., has a good discussion of Roman *amicitia* and its terminology. *Amicitia* is 'ein Treuverhältnis zum Zweck gegenseitiger Förderung'.

⁴ Sen. *de Ben.* VI, 34.

⁵ Gelzer, op. cit. 86 n. 5, and cf. Alexander of Acarnania, who 'in eum gradum amicitiae regis (sc. Antiochi III) ut consiliis quoque arcanis interesset acceptus erat', Livy xxxv, 18, 2.

⁶ Seneca's own protest is addressed to a private person.

⁷ Juv. IV, 74–5.

and Pliny is no less trenchant: 'etenim in principum domo nomen tantum amicitiae inane scilicet inrisumque remanebat.'¹

Of whom did this official class of *amici* consist?² Certainly they were the people who had the right of admission to the imperial *salutationes*. This was a very large class, including from the beginning not only senators and great *equites*, but comparatively obscure people. Claudius gave them a distinguishing mark, doubtless to lighten the task of the *ab admissione*: he allowed them to wear his portrait in a gold ring.³ But the privilege was withdrawn by Vespasian, who seems to have thrown open his doors to the entire senatorial and equestrian orders.⁴

Within the *amici* there was an important division of *prima* and *secunda admissio*,⁵ but it is difficult to decide on what basis the distinction was made. It had nothing to do with senatorial and equestrian rank, for not only were the senator Cocceius Nerva (106) and the *equites* Crispus (290) and Dellius (132) members of Augustus' *cohors primae admissionis*,⁶ but so also, under Augustus or Tiberius, was an obscure *eques*, one Caesius Niger (71),⁷ whereas in the reign of Pius a senator had only *salutatio secunda*.⁸ The most likely supposition is that it was political importance that gave a man entry into the higher grade; the obscurity of Caesius is still a stumbling-block, but he may have been the companion of one of the imperial princes, destined for a great future but carried off by an early death.⁹

Amicus is also found as a title, used in official documents as an epithet of provincial governors, procurators, equestrian secretaries, special commissioners, and in one notable case of two distinguished residents of Alexandria with no official standing at all.¹⁰ The purpose of this is

¹ Pliny, *Pan.* 85.

² Full discussion in Mommsen, *SzR* II³, 834f.; Friedländer, *Sittengesch.* I¹⁰, 74-86, 119⁸⁻¹⁰ (Anhänge), 60-76 (Bang's revised but now outdated list of attested *amici* and *comites* from Augustus to Severus Alexander).

³ Pliny, *NH* xxxiii, 3, 41.

⁴ See Mommsen, *SzR* II³, 834 n. 4.

⁵ And in Alexander's day there seem to have been even lower grades, *SHA*, *Alex.* 20, 1.

⁶ *Sen. de Clem.* I, 10, 1.

⁷ *ILS* 1320.

⁸ *ILS* 1078. Lambert's view of the *sal. secunda* (*RE*, Plotius 13) seems to me mistaken.

⁹ He held the priestly office of *curio minor*, which was often filled by the sons of senatorial families before they passed to the quaestorship: Mommsen, *SzR* III, 567-8; *RE*, *curio* 2 (Kühler). The difficulty is that to be 'ex quattuor decuris' he must have reached the age of twenty-five before his death, and so cannot have taken up his senatorial career as soon as he might have done, i.e. with the quaestorship at twenty-five.

¹⁰ Governors: *Syll.*³ 780, Asinius Gallus (38): governor of Asia under Augustus. *CIL* III, 12240, Paullus Fabius Maximus (143): Asia under Augustus. *Syll.*³ 801 D, L. Iunius Annaeus Gallio (18): Achaëa under Claudius. *Syll.*³ 851, T. Atilius Maximus (41): Asia under Pius. *ILS* 5864, Iulius Verus (187): Syria under Marcus. *ILS* 423,

not simply honorific, and it is not an empty title. It serves to indicate to the inhabitants of the Empire the importance of those sent to govern them or acting as supporters of Rome amongst them; they are representatives of the *auctoritas* of the emperor. This device was particularly useful in dealing with free cities or communities asking for arbitration, when the emperor did not want to display the strong hand of his *imperium*, as von Premerstein has pointed out.¹ And the remarks of Grant on the appearance of certain governors' heads on official Augustan coinage provide additional confirmation of this view.² These, he says, were the *amici principis*, of whom this was a special prerogative; interestingly enough, they include Asinius Gallus and Paullus Fabius Maximus, called *amici* in the documents,³ and Pompeius Macer (268), Augustus' first state librarian, who was a close friend of Tiberius.⁴

In some documents the *praefecti praetorio* are distinguished from *amici*,⁵ though all of them must have been so and many of them are attested as such in the literary evidence. This suggests a further conclusion as to the use of the title, that while an *amicus* held an official position he tended to take the title of that position, without ceasing in fact to be an *amicus*; but if at any time he was without specific portfolio, he could revert to the simple designation *amicus*.

The *amici* cannot be discussed without reference to the *comites* and the *cohors amicorum*. As Mommsen puts it, all *comites* were *amici*, but not every *amicus* was a *comes*, for the *comites* were those who followed the emperor, forming his suite, when he travelled abroad.⁶ His conclusion is confirmed by the growing number of inscriptions of men who were *comites* upon particular expeditions,⁷ and by the fact that the

Ovinus Tertullus (243): Moesia Inf. under Septimius. *IGRR* IV, 1215-16, Cn. Licinius Rufinus (208): Asia under a Severan. *Praef. Aegypti*: Pliny, *Ep.* x, 7 (23), Pompeius Planta (271). *Praef. urbi*: *Dig.* I, 15, 4, Fabius Cilo (141). Procurators: *CIL* x, 8038; *IGRR* III, 777 (cf. *Epict.* III, 4, 2). *A libellis, ab ep. graec.*, *Forsch. in Eph.* II, 126. *A cubiculo, ab ep. graec.*, Raubitschek in *Hesperia*, Suppl. VIII, 288-90. Special commissioner: *ILS* 206. Alexandrians: *P. Lond.* 1912, ad fin. One of them, Ti. Claudius Balbillus, was later very powerful (91).

¹ A. von Premerstein, *WW* 224.

² M. Grant, *From 'Imperium' to 'Auctoritas'*, 136 n. 3, 140, 229f., 365, 387-9, 402. But he overstates the Hellenistic origin of the *amici*: the evidence provides no trace of 'ceremonial conferment' (229), nor of the formal establishment of the institution in 9 B.C.

³ See p. 23 n. 10, above.

⁴ Strab. 618c.

⁵ Notably the judicial protocols, *Cod. Just.* 9, 51, 1 and *AE* 1947, no. 182. Cf. *SHA Alex.* 32.

⁶ Mommsen, *Hermes* IV (1869), 120-31 (= *Ges. Schr.* IV, 311-22).

⁷ E.g. *AE* has provided in recent years: 1921, no. 64, C. Julius Alexianus (171) 1926, no. 79, Fabius Cilo (141). 1934, no. 155, C. Aufidius Victorinus (43); no. 177, Julius Quadratus Bassus (183).

Greek official equivalent was συνπρόδης.¹ He originally went on to maintain that the *comites* were always senators,² but later on restricted this view to the first century, and suggested that perhaps the equestrian *comites* were not at first allowed to take the title.³ In the early third century a certain Iulius Pacatianus (179) was an equestrian *comes*,⁴ and Papinian makes it clear that some *equites* were regular members of the *comitatus principis* at the end of the second or beginning of the third.⁵ Perhaps the possibility of epigraphical accident even for the first century should not be entirely put out of court.

As for the *cohors amicorum*, this, according to Mommsen, was a synonym for the suite of *comites* on any given journey. The phrase was undeniably used in this sense in a great majority of instances, and the first appearance of the institution was as that military bodyguard with which Scipio Aemilianus surrounded himself at Numantia.⁶ But that it was always so used is doubtful. Nero added Lucan (19) to his *cohors amicorum*, probably in 59, when he was uninterruptedly in Rome,⁷ and Lucan was recalled from Athens to take his place in a literary coterie, not a military headquarters. Similarly, when Tiberius took Sex. Vistilius 'in cohortem suam',⁸ he seems merely to have accepted him as an *amicus*; and again when Seneca, in a passage already quoted,⁹ speaks of the *cohors primae admissionis*, he means no more than the body of *amici* of that grade. In fact, the phrase ought to be accorded a rather wider meaning than Mommsen allowed; it is the immediate entourage of the emperor wherever he may be.

Amongst the large class of *amici* at any time there is no rule of thumb for determining those who were of importance in the government of the Empire. There were, as at every court, the dilettanti, the wits, the sycophants and so on; so that merely to have shown that a man was an *amicus* is not to have discovered in him a counsellor of the emperor.¹⁰

¹ ILS 8830. Or συνπρόδης, Lyd. *de Mag.* II, 7.

² *Hermes* IV, 126. ³ *StR* II⁸, 836 n. 2. ⁴ ILS 1353. ⁵ Papinian in *Dig.* 29, 1, 43.

⁶ Appian, *Hisp.* 84. J. van Vliet, 'De Praetoria atque Amicorum Cohortibus' (Diss. Utrecht, 1926), 1-13, has some objections to this.

⁷ Suet. *Vit. Luc.* and for the date, *RE*, Annaeus 9, 2227 (Marx).

⁸ Tac. *Ann.* VI, 9, 2.

⁹ See above, p. 23 n. 6.

¹⁰ And a list of those actually attested as *amici* and *comites*, such as that of Bang, is unsatisfactory, because it omits through the mere chance of transmission so many important figures who must have been such. A list on the 'must-have-been' principle may seem arbitrary in view of the wideness of the class of *amici*, but its value is justified by its results, for in examining such men as *coss.* II and *praefecti urbis* for possible inclusion one is often confronted with hints that connect them with the counsels of the emperor. Such is the basis of the present prosopographical index; admittedly arbitrary, it may nevertheless prove interesting.

Nevertheless, it is clear that a vital function of the upper level of *amici* was that of supporting the government with their advice, and the *consilium* of *amici* for all sorts of purposes is a characteristic feature of every reign from Augustus to Constantine, and an obvious development from the coteries of the 'dynasts' in the late Republic. It is in every case *ad hoc*; there is no recognized constitutional body in question and no fixed list of members. But it stands to reason that in practice much the same people will have been called in regularly for day-to-day consultation. There is a great deal about *amici* and their advice in the literary sources, enough to show that we are dealing with a subject of the first importance; Dio, Herodian and the *Scriptores Historiae Augustae* provide some particularly interesting material for the late second and early third centuries.¹

The importance of the *amici* and their advice as making all the difference between good and bad government emerges from a number of passages. Tacitus makes Helvidius Priscus say 'nullum maius boni imperii instrumentum quam bonos amicos esse',² and the *amici* of Titus are said to have been 'rei publicae necessarii'.³ The Emperor Trajan was accustomed to reconcile the evil reputation of Domitian with the integrity and efficiency of his administration by the reflexion, 'Domitianum pessimum fuisse, amicos autem bonos habuisse'.⁴ Aristides, as might be expected, goes further, and calls the *amici* of Antoninus Pius τοὺς τῆς ἀρχῆς κοινωνοὺς.⁵

Moreover, the *amicitia principis* is often shown not as a passive, but as an active and arduous honour, which may well take a man's whole time and attention.⁶ Thus, Cn. Cornelius Lentulus 'Augur' (116), 'princeps civitatis et pecunia et gratia', was accustomed to complain that he had been diverted from his true vocation as a barrister.⁷ More striking are two passages of the younger Pliny. In the former, he is describing his uncle's career: 'magis miraberis, si scieris illum aliquamdiu causas actitasse, decessisse anno sexto et quinquagesimo, medium tempus distentum impeditumque qua officiis maximis qua amicitia principum egisse.'⁸ In the latter he laments the loss of his old

¹ Though the SHA need cautious handling, because 'behaviour towards *amici*' seems to be one of their stock subjects.

² Tac. *Hist.* iv, 7, 3.

³ Suet. *Div. Tit.* 7, 2.

⁴ SHA, *Alex.* 65, 5.

⁵ Aristid. *El.* 364. 107 (K).

⁶ Ulpian's remark in *Dig.* 4, 4, 11, 2 shows the full-time nature of a *consiliarius*' duties at the turn of the second century; but that was a special case, as will be seen.

⁷ Sen. *de Ben.* 11, 27, 2.

⁸ Pliny, *Ep.* III, 5, 7. See (263), (264).

acquaintances at the bar: some are dead, some in exile, some retired through age and ill health, others from personal preference, ‘*alius exercitum regit, illum civilibus officiis principis amicitia exemit*’.¹ Most explicit of all is a curious passage of Epictetus, who devotes a whole diatribe to the folly of a career in the government, and says:

τί γὰρ ἄλλο ἢ ὅλην τὴν ἡμέραν ψηφίζουσιν, συζητοῦσι, συμβουλεύουσιν περὶ σιταρίου, περὶ ἀργιδίου, περὶ τινων προκοπῶν τοιούτων;²

The men who could stand the pace of these exacting duties and hold their places in the midst of ceaseless court intrigue were rewarded with overwhelming power and influence. ‘*Principes in Caesaris amicitia agunt feruntque cuncta*’, says Tacitus of Vibius Crispus and Epirus Marcellus.³ Pliny describes his trepidation at having to face the *amici* when he was a young barrister with his reputation still to make: ‘*et eram acturus... contra potentissimos civitatis atque etiam Caesaris amicos*’.⁴ φίλος ἔσομαι Καίσαρος, says Epictetus with bitter irony; ἐκείνου με ὄντα ἑταῖρον οὐδεὶς ἀδικήσει.⁵ Conversely, the renunciation of *amicitia* by the emperor meant at very least the end of a man’s public career, and under some emperors was understood as an unofficial death warrant, ‘*praenuntiam imminētis caedis contumeliam*’.⁶

It is possible to catch from the sources a hint of the day-to-day procedure by which the *amici* were called upon for their counsel. The elder Pliny was, as we have seen, much taken up with his duties; and his nephew has something to say about their nature, doubtless during

¹ Id. *Ep.* iv, 24, 3. This is not a question of exemption, as in Ulpian’s discussion above, but simply of the practical impossibility of combining two careers.

² Epict. i, 10, 9. The translators (except Souilhé in the Budé edition) understand this of the private worries of a landowner or business-man, and appear to take προκοπῶν as ‘revenues’. But the remark that follows, about a petition to export grain, shows that this is public discussion: the diminutives are a deliberate device to minimize the importance of the work of these counsellors. Hitzig, *Die Assessoren*, 22, suggests that Epictetus is thinking of the *consilium* of the *praefectus annonae*, but taken in its context this does not seem very probable. As for προκοπή, *LS*⁹ gives no warrant for such a meaning, and elsewhere in Epictetus it always has the Stoic sense of ‘progress’. Is the meaning in this context ‘public improvements’?

³ Tac. *Dial.* 8, 3.

⁴ Pliny, *Ep.* i, 18, 3.

⁵ Epict. iv, 1, 95 (cf. 8: ἀλλὰ καὶ συγκλητικὸς εἰμι καὶ Καίσαρος φίλος καὶ ὑπάτευκα καὶ δούλους πολλοὺς ἔχω).

⁶ Tac. *Ann.* xv, 23, 5: Thræsea under Nero. Cf. also Suet. *Div. Aug.* 66, 1–2 (Salvidienus Rufus and Cornelius Gallus under Augustus); Tac. *Ann.* iii, 24, 5 (D. Silanus under Augustus); Pliny, *NH* ix, 118 (M. Lollius under Augustus); Tac. *Ann.* vi, 9, 2–4 (Sex. Vistilius under Tiberius); ib. vi, 29, 1–3 (Pomponius Laëbeo under Tiberius); Suet. *Div. Vesp.* 4, 4 (Vespasian under Nero). On the importance of *renuntiatio*, see Volkmann, *Rechtssprechung*, 106, 113–16.

the time when he was *praefectus classis*. 'Ante lucem ibat ad Vespasianum imperatorem (nam ille quoque noctibus utebatur), inde ad delegatum sibi officium.'¹ Now Suetonius gives a picture of Vespasian's regular daily activities: it was his custom to look through his correspondence and the agenda for the day while still in bed in the early hours. Then came the levée, with admission of the *amici*, and this was at once followed by decisions on public business.² The inference is striking; this was what took up the elder Pliny's time—not the mere *salutatio*, but the regular morning business-meeting that followed it, after which, having fulfilled the duties of *amicitia*, he could proceed to his *officium*.

Philostratus is not, of course, history; but his work is built up of elements which his readers might be expected to accept as plausible. In one place he is concerned to exhibit his hero Apollonius as an *amicus* and counsellor of Vespasian at Alexandria before the latter's proclamation as emperor.³ Apollonius pays a call before dawn, and is told that Vespasian is dealing with his correspondence. He returns a little later, finds two other counsellors at the door, and presently they are admitted to the *salutatio*, which continues straight into a long debate on Vespasian's imperial policy. When the deliberative session is over, Vespasian says ἐσκαλείτε τοὺς δεομένους τῆς ἀρχῆς καὶ ἀπολαβέτω ἡ βουλὴ τὸ ἐαυτῆς σχῆμα, which appears to imply the beginning of a judicial session.

A remark made by Cassius Dio gives some further confirmation to the picture.⁴ Caracalla, he says, ἐπήγγελλε μὲν ὥς καὶ μετὰ τὴν ἑωστικά δικάσων ἢ καὶ ἄλλο τι δημόσιον πράξων, 'but he kept us waiting even till past midday and often till evening, not even letting us into the vestibule'. The principle is the same; the *salutatio*, when it occurs, will be followed by a council meeting, whether judicial or otherwise. For judicial sessions following the *salutatio*, evidence is provided by the official preambles of trials before this very emperor, Caracalla.⁵ Finally, Severus Alexander's biographer describes how, after 'morning prayers', he gave his attention to public business, at which he would sit patiently, if necessary, for very long hours, though normally the various departments were dealt with by the *amici* and his own activity was reduced to confirming or revising.⁶

¹ Pliny, *Ep.* III, 5, 9.

² Suet. *Div. Vesp.* 21.

³ Philost. *Vit. Apoll.* v, 31-7.

⁴ Dio LXXVII, 17, 3.

⁵ See above, p. 24 n. 5.

⁶ SHA, *Alex.* 29, 2-6. The text is corrupt. Helm's '<non> multam operam dabat' makes the best sense: it is not likely that Alexander was left much to do.

There were, naturally, extraordinary meetings as well, and since there existed no official, permanent *consilium*, there was no need for any distinction between official and unofficial sessions. The most celebrated example of an emergency council-meeting is provided by Juvenal's fourth Satire, in which Domitian calls his *amici* together to examine a monstrous *rhombus* and advise him as to its method of preparation. This is one of a small group of stories illustrating the abuse of the *consilium* by traditionally bad emperors. Thus Caligula calls in τοὺς πρῶτους τῆς γερονσίας in a hurry in the middle of the night—and dances;¹ Nero, in the emergency of 68, calls a council νύκτωρ and σπουδῇ and gives them a lecture on his researches in organ-building.² To the same group belongs the extraordinary tale of Domitian's 'funeral-banquet',³ and that of Elagabalus' *amici*, called to a *vindemia* and plied with obscene questions.⁴ Such a spate of stock jokes is the best evidence of all for the reality and regularity of the situations it parodies.

It remains to draw attention to the principal aspect of the importance of the *amici* in the history of the Empire, which will be abundantly illustrated as this investigation proceeds. Friedländer puts the matter succinctly: 'The "friends" by no means lost their position with the death of an emperor.'⁵ It was they who provided the essential continuity in imperial policy. There were amongst them men who pursued careers of high public service under the most diverse emperors; they incurred sneers for time-serving, but that should not blind us to their importance. Only occasionally do we hear of emperors who, like Attalus Philometor, preferred to make a clean sweep, and even then there is sometimes reason to think that it was less complete than it has been made out to be.

It may seem paradoxical that if continuity was the great contribution of the *amici* to the Empire, they should not have been organized into an official privy council. The answer is bound up with the Roman attitude to administration. The *amici* were not only counsellors, but soldiers and governors, who spent much of their lives away from Rome on government service; but when they were available at court they were

¹ Dio LIX, 5, 5, σπουδῇ νυκτός.

² Dio LXIII, 26, 4. Suet. *Nero* 41, 2 has a much more reasonable version of this tale; it was not at night, and there was a certain amount of genuine business transacted first, although Nero was in a hurry to get to the organ. This is an excellent example of the development of a calumny.

³ Dio LXVII, 9, 1-5.

⁴ SHA, *Heliog.* 11, 2-5.

⁵ *Sittengesch.* 1¹⁰, 84.

called in to give their counsel. In the judicial sphere, indeed, there was room in the second century for a professional element; but it was never more than an element, and in general there is no warrant for any rigid separation between the administrative and judicial functions.¹ The idea of a professional advisory body, men to spend years sitting in a council chamber, would have been entirely counter to the spirit of the Roman system, whose essence was that a man must fit himself for high office by a variety of experience in all the branches of the imperial service.

¹ Though this has become something of a dogma: Cuq and Mommsen both believed in it, and de Ruggiero, *DE* II, 614, derived two quite separate institutions from two different functions of the *princeps*. This is a false schematism. As H. Schiller, the commentator on Cuq's monograph in *Bursians Jahresbericht* XLIV (1885) pt. 3, 285, remarked, 'Administration and Justice are united in the *imperium*, and it was precisely the function of the *consilium* to advise the Emperor in all questions arising from the *imperium*'.

CHAPTER IV

FROM AUGUSTUS TO TRAJAN

AUGUSTUS

THE most important affairs of state in Augustus' principate were discussed *in camera*. Dio complains that τὰ μὲν πλείω κρύφα καὶ δι' ἀπορρήτων γίνεσθαι ἤρξατο,¹ and Tacitus tells how Sallustius Crispus, 'particeps secretorum', begged Livia to use her influence 'ne arcana domus, ne consilia amicorum, ministeria militum vulgarentur, neve Tiberius vim principatus resolveret cuncta ad senatum vocando'.² There is a hint of the discussions on foreign and frontier policy in Horace, when the poet calls to Maecenas to leave his duties for a day: Cotiso and the Medes, Spain and Scythia,

quid Seres et regnata Cyro
Bactra parent Tanaisque discors.³

But otherwise, since Tacitus has chosen not to begin his revelations until A.D. 14, we are in the dark as to Augustus' deliberative sessions.

Judicial councils, on the other hand, have this great advantage, that they were, according to republican precedent, usually public, and so occasionally emerge into the light of history. The emperor judges a case concerning the free city of Athens, sitting *pro tribunali* amongst a crowd of bystanders, and when some question of the Eleusinian mysteries arises, being himself an initiate, he dismisses the *consilium* and hears the case alone.⁴ On another occasion he is found promulgating capital sentences, and the crowd is so thick that Maecenas himself cannot push through them.⁵ Another case concerns a forged will, with some details of the way in which the *consilium* recorded its judgment, which will be discussed at a later stage.⁶ The *amici* appear on a *consilium* called by Augustus to deal with the suspected conspiracy of L. Cinna;⁷ but this was a summary matter, and not of much significance. In the purely legal field there is one account of what Augustus did when faced with a juridical problem, that of the validity of *codicilli* con-

¹ Dio LIII, 19, 3.

³ Hor. *Carm.* III, 8, 17-24; 29, 27-8.

⁵ Dio LV, 7, 2.

⁷ Sen. *de Clem.* I, 9; Dio LV, 14-22.

² Tac. *Ann.* I, 6, 6.

⁴ Suet. *Div. Aug.* 93.

⁶ Suet. *Div. Aug.* 33, 2; see Ch. VIII, p. 110.

taining *fideicommissa*; he collected a body of *prudentes* and put this important question to them.¹ There must have been not a few occasions on which the professional advice of jurists was required, quite apart from the ordinary judicial *consilia* at which they took their place along with the other *amici principis*, though how consistently it is impossible to determine.

But these brief mentions are insignificant compared with the accounts in Josephus of the two great council sessions convened in 4 B.C. to discuss the future of Palestine. After the death of Herod, the claimants to his kingdom soon arrived in Rome to plead their causes and vilify their opponents. The emperor called a council to hear them. Not long afterwards came an embassy from the people of Palestine to press for the rejection of all the claimants and restoration of the theocracy, and this too was received by a council which heard their representations, and the counter-pleas of Nicolaus of Damascus on behalf of Archelaus.²

On the first occasion, Augustus called a συνέδριον τῶν ἐν τέλει Ῥωμαίων (in the parallel and later version simply τοὺς φίλους) for a general discussion (ἐπὶ παροκωχῇ γνώμων). Amongst them C. Caesar—naturally, at that date—took a leading place, though only sixteen. Having heard the pleas of the Jewish dynasts this council does not seem to have come to any decision. On the second occasion its composition was the same,³ except that Gaius is no longer mentioned, which may be because these proceedings were more public and official. They took place in the temple of Apollo on the Palatine, and the Roman Jewish community turned out in force to support the popular embassy, while Archelaus was supported by his φίλοι. This session was not followed by discussion, its setting being too public for the airing of the political considerations involved, but its result was the promulgation shortly afterwards of an edict regulating the affairs of the entire Syro-Palestinian area.⁴ This is the context into which that other Josephan edict,

¹ *Inst.* 2, 25, pr.

² Josephus deals with each of these occasions in both *BJ* and *AJ*, so there are four important passages in all: for the first session, *BJ* II, 25; *AJ* XVII, 229; for the second, *BJ* II, 81; *AJ* XVII, 301.

³ Though the phraseology again varies slightly: in *BJ*, συνέδριον τῶν ἐν τέλει Ῥωμαίων καὶ τῶν φίλων; in *AJ*, συνέδριον φίλων τε τῶν αὐτοῦ καὶ Ῥωμαίων τῶν πρώτων. The φίλοι and οἱ ἐν τέλει are separated, probably on the principle suggested on p. 24 above.

⁴ See also Ch. VIII, p. 110 and n. 2, below. Seeck (*RE, consistorium*, 926) went astray over this council. He failed to distinguish it from the senatorial six-monthly committee, and connected the appearance of C. Caesar at the earlier of the two sessions with the revised committee of A.D. 13.

discussed in Chapter II, needs to be put, and this is the kind of council to which it refers.

The importance of these passages is that they illustrate a border-line case which must have been common. In a sense this συνέδριον was a judicial one, called in, in the traditional way, to settle a provincial dispute over the ownership of a kingdom. But in another and more vital sense it was an administrative council to discuss a major issue of foreign policy—what to do with Judaea. This is the clearest of a number of cases which illustrate the unsatisfactoriness of a rigid distinction between political and legal *consilia*: much of the business with which the emperor had to deal was a complicated mixture of both, and this was no doubt especially true of provincial embassies.

Hearing these was an important function of the *consilium*. Dio records under the year A.D. 8 a change in the method of dealing with them.¹ It appears that until then Augustus had managed to deal with every sort of petition and embassy personally, with his σύμβουλοι, but in A.D. 8 he felt no longer strong enough, and so, while retaining everything else, delegated τὰς πρεσβείας τὰς τε παρὰ τῶν δήμων καὶ τὰς παρὰ τῶν βασιλέων to a committee of three consulars. Suetonius provides the additional information (but undated) that appeal cases in general were delegated, home appeals to the urban praetor, foreign ones to certain specially appointed consulars.² It is not altogether true that Augustus had dealt with all embassies himself down to A.D. 8, for Dio himself says that the senate continued to receive some.³ But this experiment, reducing the work of the *consilium*, is an interesting one and parallel to the establishment of senatorial *curatores* in other fields.

What remains is the essential task of reviewing some of the *amici* of Augustus who may be presumed to have been amongst his advisers; for here at once will be established a sense of continuity with the reign of Tiberius and even beyond.⁴ A famous chapter of Suetonius is devoted to them:⁵ he mentions the two who came to grief, Salvidienus Rufus (291), a partner of the very early days, and Cornelius Gallus (114), poet and first prefect of Egypt, and the two who rose highest, Agrippa (347) and Maecenas (219). But none of these outlived the first

¹ Dio LV, 33, 5.

² Suet. *Div. Aug.* 33, 3.

³ Dio LIII, 21, 6. On another aspect of delegation see Ch. v, p. 58 n. 2, below.

⁴ For the φίλοι of the early days see Nic. Damasc. Βίος Καίσαρος (Jacoby, *F. Gr. Hist.* 90, F 125–30), 133. (And for Antony's συνέδριον τῶν φίλων, *ibid.* 128.) On Augustus' *amici* there is much of value in Syme, *RR*, esp. chs. xxiv–xxvi.

⁵ Suet. *Div. Aug.* 66.

half of the reign, and it is important to remember that Agrippa and Maecenas had their successors, whom they tend to overshadow. Sallustius Crispus (290) for example, the adopted son of the historian, mentioned by Seneca as one of that inmost ring of *amici* whom Augustus enrolled from the ranks of the enemy,¹ was Maecenas' successor as chief secret agent of the regime, and functioned at least until the beginning of Tiberius' reign, when he found the new emperor less satisfactory to work for. Seneca also mentions one of the Cocceii, M. Cocceius Nerva (106) the brother of L. Cocceius Nerva (105), that early friend of Antony and Octavian who negotiated the pacts of Brundisium and Tarentum. His descendant was the well-known jurist who became *proximus amicorum* of Tiberius: these family groups are a vital element in the continuity.²

Another group of *amici* are those to whom Grant has called attention, because their portraits appear on official provincial coinage.³ Africanus and Paullus Fabii Maximi (142, 143) were brothers of notable influence, especially the latter, who married the daughter of Augustus' half-brother, L. Marcius Philippus, and is supposed to have been the emperor's companion on the now disproved journey to Planasia. The powerful but intransigent Asinius Gallus (38) also appears on the coins. He was Pollio's son, married Agrippa's daughter (for which Tiberius never forgave him) and fathered a family of consular sons, including Asinius Celer, later an *amicus* of Claudius. He maintained his bitter-tongued influence till A.D. 30, when he was denounced in the senate while on a visit to Tiberius at Capreae, by a letter from the very man he was visiting. He was also one of the four men whose merits as possible candidates for the purple were said to have been discussed by Augustus shortly before his death.⁴

P. Cornelius Scipio (124), P. Quinctilius Varus (283) and L. Volusius Saturninus (359) also have their portraits on the coinage; the latter had a son (360) who died in A.D. 56 at the age of ninety-three, having served five emperors with equal success and felicity.⁵ On a coin of Pergamum, A.D. 4/5, appears M. Plautius Silvanus (261), and on another Poppaeus

¹ Sen. *de Clem.* I, 10, 1.

² Q. Dellius (132), the other man mentioned by Seneca, 'desultor bellorum civilium', is lost sight of after Actium—hence, presumably, his omission from *PIR*², though he appeared in *PIR*¹.

³ For references, see the relevant entries in the prosopographical index.

⁴ Tac. *Ann.* I, 13. Three, with a variant tradition between Arruntius and Piso.

⁵ Tac. *Ann.* XIII, 30, 4. I accept Lipsius' emendation, 'amicitia' for 'malitia'.

Sabinus (276), to whose *amicitia* with Augustus and Tiberius, and long and loyal service, Tacitus bears witness.¹

Another of the men whom Augustus suggested as possible successors was Cn. Calpurnius Piso (78), whose influence with both Augustus and Tiberius was great, until he was broken by the Germanicus affair. He was one of a most powerful family group, of whom the most important were his father Gnaeus (77), to whom Augustus had confided the state papers on his sick-bed in 23 B.C., and L. Calpurnius (79), the great *praefectus urbi* from A.D. 17 to 32, to whom Augustus and Tiberius both entrusted their secret instructions.² The third of Augustus' candidates was L. Arruntius (34) and the fourth was that wonderful man M'. Aemilius Lepidus (13), 'capax sed aspernans', who receives one of Tacitus' rare eulogies for the way in which he continued to be a counsellor and a moderating influence upon Tiberius to the day of his death.³

The old soldiers M. Vinicius (344) and P. Silius Nerva (306) played dice with the emperor in his declining years;⁴ these are not court buffoons, but faithful adjutants in retirement, who will have had much sound advice to give:⁵ Tarius Rufus (316) may well have 'made a fourth'. M. Lollius (212) was another general who had done great service, and was chosen by Augustus to go East with C. Caesar as his 'moderator iuventae'.⁶ *Comites* for imperial princes were always chosen with the utmost care from senior *amici*,⁷ though this one went astray. The elderly and experienced Lentulus (116), whose complaint has already been quoted, is a case in point; he was sent as a *comes* of Drusus in A.D. 14. Even Tiberius was supported in Pannonia by the strong hand of Sentius Saturninus (298).

¹ Tac. *Ann.* vi, 39, 3.

² Sen. *Ep.* 83, 14. Another who saw behind the scenes was the philosopher Areus (30); and for more Eastern *amici* see Athenodorus (40) and Timagenes (322a).

³ Tac. *Ann.* iv, 20; vi, 27, 4. I take here and in the Index the generally accepted view of the way to divide the evidence between M'. Aemilius Lepidus, *cos.* in 11 and M. Aemilius Lepidus, *cos.* in 6. But Prof. Syme has kindly discussed with me his very cogent view that M. was the great man. It involves reading 'Manius' for 'Marcus' in *Ann.* iii, 32, 2, but avoids the necessity of continually emending the M. of the MSS. to M'. I think there is a difficulty in *Ann.* iii, 11, 2; Marcus' children both married children of Germanicus, and that seems to make it unlikely that he was the man to defend Piso; but Prof. Syme's main point holds, that it is strange to call a powerful general, as M. certainly was, 'mitis magis quam ignavus'.

⁴ Suet. *Div. Aug.* 71, 2. Statilius Taurus (310) was doubtless dead.

⁵ Silius' son, A. Licinius Nerva Silianus (206), was an *amicus*; Vell. ii, 116, 4. He died before he could take his full place in the emperor's circle.

⁶ Vell. ii, 102, 1.

⁷ Cf. Tac. *Hist.* iv, 80; SHA, *Marcus*, 8, 10.

Here, then, are some names, not an exhaustive list, but chosen to illustrate the kinds of talent that were available for the emperor to consult, and the way in which they overlapped from one reign into the next—soldiers, jurists and diplomats, training their sons and grandsons to uphold the same traditions and ideas.

TIBERIUS

Tiberius' regular counsellors, says Suetonius,¹ were his 'veteres amici ac familiares' and twenty of the *principes civitatis*; few of them survived him, and the one who fell with the greatest crash was Seianus (10). It is possible to conjecture who some of the others were; men who were a repository of essential experience like Gallus, Lentulus 'Augur', the Pisones, Cocceius Nerva, Volusius and M'. Lepidus. Poppaeus Sabinus (276) preferred to devote himself to practical matters on the frontiers of the Empire—a wise choice, for he died in 35 in undiminished authority and honour.² First after the consuls to take the oath to Tiberius were Seius Strabo (296) and C. Turranius (325).³ The latter, *praefectus annonae*, is like Volusius a marvel of long service; he will appear as one of the most valued counsellors of Claudius. The imperial service seems to have had no tendency to force men into retirement while they had a spark in them, and in any case retirement from administrative duties might be the beginning of a man's most valuable period as a counsellor.⁴ Cossus Cornelius Lentulus (117) was like Piso the recipient of Tiberius' most secret instructions, a hard drinker who never revealed a confidence.⁵ Finally, one should not forget the jurists, men of no small influence in Rome at any time; Massurius Sabinus (227), who had the rare *ius respondendi*, gave his name to the Sabinian school and was made an *eques* late in life, perhaps in order to qualify him for the *amicitia principis*; and his successor Cassius Longinus (81), a man with a distinguished administrative as well as legal career, who 'plurimum in civitate auctoritatis habuit eo usque donec eum Caesar [Nero in 65] civitate pelleret'.⁶

Tiberius' very different approach to the problems of government no doubt did much to alienate the Augustan advisers, and court intrigue, the incalculable factor in the whole institution of *amicitia*, grew ever

¹ Suet. *Tib.* 55.

³ Tac. *Ann.* 1, 7, 3.

⁵ Sen. *Ep.* 83, 15.

² Tac. *Ann.* vi, 39, 3.

⁴ See also Tarius Rufus (316).

⁶ Pomponius in *Dig.* 1, 2, 51.

fiercer and more tortuous. The tragedy of the reign was precisely that Tiberius for all his belief in, and struggle for, good administration, could not keep his essential helpers out of the maelstrom of intrigue; and for this Seianus is mostly to blame.

The first task of Tiberius' council seems to have been to go out *en bloc* in the train of Drusus, to scotch the Pannonian mutiny—a testimony to the gravity with which it was regarded. Drusus' party are spoken of as the *primores civitatis* and the *amici Caesaris*; ¹ Seianus is at their head, as 'rector iuveni.' ² They include the respected Cn. Lentulus; and Tiberius has dispatched the prince 'ex re consulturum', to take important decisions on the spot, hence the need for him to be fortified by the emperor's own counsellors. ³

The early years of Tiberius' reign were, as is well known, a period of orthodox government on the lines laid down by his predecessor. He held the usual judicial sessions in public as Augustus had done, in which Drusus was a regular participant; ⁴ but, unlike C. Caesar in 4 B.C., the prince was given no position of pre-eminence, but spoke and voted as an ordinary member of the *consilium*, as did the emperor himself. Dio also refers to the use of the *consilium* for the reception of embassies παρὰ τῶν πόλεων ἢ καὶ τῶν ἐθνῶν. ⁵ He puts his remark under the year 17, but clearly intends it as a general example of the sound government of Tiberius' first decade. This is interesting because it is the only explicit reference in all the sources to the use of expert advice on particular localities: ἀλλὰ πολλοὺς, καὶ μάλιστα τοὺς ἄρξαντας ποτε αὐτῶν, κοινωνοὺς τῆς διαγνώμης ἐποιεῖτο. ⁶ It is hard to believe that only Tiberius thought of this principle, but perhaps he made more consistent use of it than other emperors. Embassies in fact played a large part in the first half of the reign, for Tiberius encouraged the forwarding of provincial complaints and petitions. Some went to the senate, ⁷ but the rest concerned him and his council. ⁸

¹ Tac. *Ann.* I, 24, 1; 27, 1.

² Incidentally, he was a relative of Blaesus (192), the Pannonian governor upon whose head the mutiny had fallen: hence the eulogy of the latter by Velleius II, 125, 5.

³ Not merely 'to hold deliberations'; cf. 'consilium pro tempore et pro re capere', of Labienus left in charge in Gaul (Caes. *BG* v, 8, 1). The only other member of Drusus' *cohors* mentioned by name is the otherwise unknown *eques* L. Aponius (27), whose junior status is shown by his having to return to Rome with the party presenting the report.

⁴ Dio LVII, 7, 2-3.

⁵ *Ib.* 17, 9.

⁶ Something similar is said with regard to military experts in SHA, *Alex.* 16, 3.

⁷ Tac. *Ann.* III, 60-3.

⁸ E.g. perhaps the petition from Achaea and Macedonia in A.D. 15 (Tac. *Ann.* I, 76, 4), which was a matter of political importance.

The first proceedings in the trial of Piso for the murder of Germanicus are described by Tacitus: 'igitur paucis familiarium adhibitis minas accusantium et hinc preces audit.'¹ This, like the few *amici* collected by Augustus to deal with Cinna and those summoned by Nero to hear the false confession of Anicetus,² was a hole-and-corner affair and need only be mentioned for the sake of completeness.

The next important event was the departure of Tiberius to Campania in A.D. 26 and finally to Capreae in 27. Dio speaks of Claudius' restoration of τὸ κατὰ τοὺς συνέδρους, ἐκλειθὲν ἐξ οὗ ὁ Τιβέριος ἐς τὴν νῆσον ἐξεχώρησεν.³ It must be understood that this passage, taken in its context, refers solely to judicial sessions *pro tribunali*, in which Claudius spent so much of his time; of the fate of the council for *negotia publica* Dio has nothing to say. But it must, of course, have lapsed, and with it went the last trace of a membership in which the senate had any say. A minimum remnant of his council went with the emperor. Cocceius Nerva (107), the jurist, was one of them, 'proximus amicorum'; even he committed suicide in 33, because, it was said, he could not bear to see the great imperial structure falling into rack and ruin;⁴ but his grandson reached the purple. Another was Curtius Atticus (130), an *eques* doubtless of importance, though all that is known of him is that he was a rival to the influence of Seianus, who managed to destroy him at some time before 31. The rest of the Capreae entourage were *literati*, not men of affairs, with a careful sprinkling of Seianus' partisans like Vesularius Flaccus (338) and Iulius Marinus (177). By 32 even these had gone, and who was about Tiberius in his last years is unknown—perhaps no one at all except servants.

After 26 the government was carried on partly by letter from Capreae, where the tiny conclave discussed matters and sent decisions back to Rome, partly at the fiat of Seianus, who may well have taken advice on official matters with some of the *amici principis* still in Rome; Asinius Gallus, for example, paid court to him,⁵ and many others were willing to do the same. Even after the fall of the 'vizier', amidst all the terrors of proscription, provincial government was not neglected,⁶ though it went perhaps more by its own momentum than by much help from above; and in 34 a man received his first consulship who was destined to uphold Rome's prestige by brilliant diplomacy in the East

¹ Tac. *Ann.* III, 10, 6.

² Ib. XIV, 62, 6.

³ Dio LX, 4, 3.

⁴ Tac. *Ann.* VI, 26.

⁵ Dio LVIII, 3, 1 and 2.

⁶ See F. B. Marsh, *The Reign of Tiberius*, 210.

and to be one of the most notable *amici* of the Claudian period, L. Vitellius (352). But of the *amici* who had begun the reign, as Suetonius says, few were left, and Tiberius ruled 'senex et solus', from Capreae.

GAIUS

Gaius did not redress the balance, but opinions about the role of the *consilium* under his regime have differed. Cuq maintained that there was no such thing; at the beginning of his reign Gaius played the strict constitutionalist, and would countenance no deliberative body save the senate¹ nor any jurisdiction on appeal to himself, but only that of the regular magistrates.² In theory these reforms destroyed the *raison d'être* of any sort of *consilium*, either administrative or judicial. Niedermeyer, on the other hand,³ insisted that a *consilium* can be found under every emperor, even the traditional villains, and quoted in support the nocturnal session at which Gaius is said to have danced.⁴

Now we may take it that there were no public judicial sessions *pro tribunali* under Gaius, because Dio says they were only revived by Claudius. But otherwise it must be remembered that the sweeping concessions to constitutionalism were the pious promises of the first programme-speech.⁵ In practice, from the beginning, things were not in the hands of the senate but at the mercy of the emperor's caprice, and when the promises had achieved that wave of personal popularity which they were designed to effect, the government reverted to pattern. Dio's story of the nocturnal emergency meeting calls the men who were summoned τοὺς πρῶτους τῆς γενομένης: this is only a synonym for the usual *primores viri*, and the story, whether true or not in detail, implies the summoning of a *consilium*, just as οἱ ἐν τέλει were called together to hear the announcement of Gemellus' adoption.⁶

The real difference between Gaius and the good emperors lay not in an excess of constitutional propriety but in an excess of autocracy. His conception of imperial government did not rise above a mere following of his own opinion; even his most powerful *amicus*, Macro (233), had to go, because he had attempted to get the emperor to take advice.⁷

¹ Dio LIX, 6, 1.

² Suet. *Cal.* 16, 2.

³ H. Niedermeyer, *Über antike Protokoll-Literatur*, 14 and n. 2.

⁴ Dio LIX, 5, 5.

⁵ Cf. Herodian v, 1, 8, an imaginary letter of Macrinus to the senate making almost exactly the same promises.

⁶ Philo, *Leg.* 26.

⁷ *Ib.* 41-61.

Consequently, when a *consilium* was called its function was to listen, not to debate; to ratify, not to advise. Philo tells how Gaius arrived at the decision to set up his golden statue, συμβούλοις χρησάμενος τοῖς ἀρίστοις καὶ σοφωτάτοις—Helicon and Apelles.¹ The latter was a master of vice, and διὰ ταῦτα εἰς τὴν τοῦ συμβούλου τάξιν ὁ Ἀπελλῆς παρῆλθεν. Further on the pair are called καλῶν πράξεων καλοὶ σύμβουλοι. This curious rubbing-in by Philo of the word σύμβουλος, especially the συμβούλου τάξις, which suggests ironically some kind of formal status, is his way of driving home the point that Gaius took no notice of any but court favourites and sycophants,² instead of sober statesmen. He expresses even more explicitly his disgust, when he led the Jewish embassy from Alexandria, at finding that they were received not by a properly constituted judicial council but by the emperor alone:

δικαστοῦ μὲν γὰρ ἔργα ταῦτα ἦν· καθίσαι μετὰ συνέδρων ἀριστίνδην ἐπιλεγμένων, ἐξεταζομένης ὑποθέσεως μεγίστης . . . , ἀναστάντα βουλεύσασθαι μετὰ τῶν συνέδρων τί χρή φανερώς ἀποφῆνασθαι γνώμη τῇ δικαιοτάτῃ.³

In fact, Philo is so sure how these things should be done that it may perhaps be concluded that he had seen, before his death—the date and place of which are unknown—the regular procedure of Claudius in such matters.

In Gaius' reign, then, although the formal principle of calling a *consilium*, at least in administrative matters, was not wholly abandoned, the spirit and purpose of the institution as a means of obtaining expert help in the running of the Empire were certainly lost.

CLAUDIUS

Claudius was a statesman, and with him we return to government in the true sense, and observe the reappearance of men who had served Augustus and Tiberius. There are two examples of the working of a political *consilium* in Tacitus, and the loss of his account of the early years of the reign may have deprived us of more. The thorny question of the admission of Gallic noblemen to the senate, which was eventually the subject of Claudius' famous speech, did not begin in the senate itself, but with a meeting of his advisers: 'studiis diversis apud princi-

¹ Ib. 203-4.

² Cf. Herodian v, 5, 6; 7, 6, on the conduct of state affairs by Elagabalus.

³ Philo, *Leg.* 349f. Wilcken noted the significance of this passage for the history of the *consilium*; *Arch. für Papyrusforschung*, v, 232-3.

pem certabatur'.¹ There was a heated discussion in which many arguments against the proposal were brought forward, but the emperor had set his heart on it, overruled all objections and steered the measure through the senate himself.

A few chapters further on² Tacitus describes how Claudius called together 'potissimum quemque amicorum'³ upon the discovery of Messallina's adultery with Silius. It would be a mistake to regard this as a mere *domesticum consilium* to deal with an errant wife. It was an urgent political crisis, as Narcissus pointed out: 'ni propere agis, tenet urbem maritus'; and Claudius had to take steps not to punish the woman but to secure the throne: 'securitati ante quam vindictae consuleret'. Apart from Narcissus, two men's opinions were called for; two more presently appear as part of Claudius' suite at Ostia on that occasion, and doubtless took part in the discussion. Of the first two, one was Turranius (325) the elderly *eques* who had been Augustus' *praefectus Aegypti* 7-4 B.C. and *praefectus annonae* from at least A.D. 14 to 48, a staid counsellor whom no change of regime could shake. Lusius Geta (215), the praetorian prefect, is a little known figure; he fell foul of Agrippina in 52 and lost his post,⁴ but seems to have been compensated with the prefecture of Egypt.

The other two were consulars.⁵ L. Vitellius (352) has already been mentioned as one of the remarkable men of his age. After his successful Eastern diplomacy he had escaped the jealousy of Gaius by judicious flattery and become one of his *amici*: under Claudius he was consul for the second and third time and censor with the emperor himself, and was left as *cos. II* in Rome when Claudius went to Britain, with the 'cura imperii'. At his public funeral in 51 the epitaph was inscribed on his tomb 'pietatis immobilis erga principem'. Vitellius has suffered from the sneers of Tacitus and Dio,⁶ but those who remain and do their duty are often more valuable than the intransigents.⁷ He bequeathed to his unworthy son a position of primacy at court.⁸

The other consular was C. Caecina Largus (67), of whom not much is known; he was an Arval brother and consul with the emperor in 42—doubtless a more important figure than he appears. Vitellius and

¹ Tac. *Ann.* XI, 23, 2.

² *Ib.* 31.

³ Or 'potissimos amicorum'; see Furneaux ad loc.

⁴ Tac. *Ann.* XII, 42, 1.

⁵ *Ib.* XI, 33.

⁶ Tac. *Ann.* VI, 32, 6-7; Dio LIX, 28, 1.

⁷ As Tacitus himself once recognized; *Agr.* 42, 5. Vitellius was 'vir innocens et industrius'; Suet. *Vit.* 2, 4.

⁸ Suet. *Vit.* 3, 2.

Caecina, socially the higher *amici*, accompanied the emperor in his carriage; nevertheless, it was Turranius and Geta whose opinions were called for first, perhaps because in an emergency the essential considerations were the loyalty of the troops and the safety of the corn supply.

The fifth figure is Narcissus; and a word must be said about the freedmen. Technically speaking they could hardly be *amici principis*; the social prejudice against them was fanatical,¹ and to call them to a *consilium* alongside senators and *equites* was to court the reputation—which Claudius incurred—of being under their thumb. But in certain matters, especially finance, they provided the same kind of advice and continuity of policy as the *amici* in the political and legal field. Claudius was to some extent driven into their arms because he pursued policies (for example in the case of the Gallic senators) to which the *amici* were opposed by tradition and inclination.

A passage of Tacitus is illuminating: to decide on a suitable wife to replace Messalina, Claudius called Pallas, Narcissus and Callistus into council: 'discordantes in consilium vocat ac promere sententiam et adicere rationes iubet'.² The formal language is Tacitus' irony at its most scathing; it suggests an utter parody of a real *consilium*; here are the *liberti* being deferred to as if they were councillors of state.³

Claudius revived the practice of public judicial sessions, sometimes with the full senate as his *consilium*, sometimes with a more restricted body;⁴ he had an extraordinary appetite for sitting in judgment, and refused to relax even in the vacation months, carrying on at Tibur.⁵ The work with which his *cognitiones* dealt is described at some length by Suetonius,⁶ and its important legal implications will be returned to later. This mass of judicial business, much of it of quite a petty nature, which Claudius undertook and later emperors were unable to shake off, is one of the factors that led to the partial professionalization of this

¹ See Friedländer, *Sittengesch.* 1¹⁰, 38-40.

² Tac. *Ann.* XII, 1, 4.

³ Cuq treated the freedmen at length; his monograph contained, in fact, the first systematic study of the bureaux from epigraphic sources, for he conceived them as all established for the purpose of preparing business for, or recording and transmitting the decisions of, the *consilium*. This view must be given up along with his belief in a permanent formal *consilium*: the bureaux were quite independent, and so do not concern the present work as such.

⁴ Dio LX, 4, 3.

⁵ Sen. *Apoc.* 7; see the note of Ball in his edition, ad loc. The word *Tiburi* was Bücheler's emendation of *tibi* of the MS., to bring it into line with Suet. *Div. Aug.* 72, 2. Ball does not regard the emendation as necessary, but allows that Tibur might well have been the place implied. See also his following note on Claudius' *cognitiones*.

⁶ Suet. *Div. Claud.* 14-15.

side of the activities of the *consilium* in the second century, by the establishment within it of a permanent group of jurists.

New light is now thrown on Claudius' judicial councils by the 'Acts of Isidore and Lampon', though they need the most circumspect handling.¹ The 'Acts of Isidore' purport to be a verbatim account of a session of Claudius and his council on 30 April and 1 May of an uncertain year, to hear the complaints of an Alexandrian embassy led by Isidore the gymnasiarch and his colleague Lampon against one of the Agrippas (168-9). The first fragment² introduces the reader to a debate within the *consilium* at the end of the session of 30 April, which is concerned with the advisability of giving Isidore a hearing at all. A certain Τερκύ(τ)ιος rises, and maintains that if Rome takes any notice of the Alexandrian complaints the whole... (of Egypt?) will be set by the ears: he is answered by 'Αουιόλαος, who persuades the emperor to hear Isidore's case.

[Συλλαλήσας οὔν συμβουλείῳ | [ὁ αὐτοκράτωρ ἐπὶ βήματος] ἐκάθισεν. ἐκλήθησαν | [οἱ τῶν Ἀλεξανδρέων πρέσ]βεις καὶ μετετάξατο | [Κλαύδιος Καίσαρ εἰς αὐ]ρίον ἀκοῦσαι αὐτῶν.

Next come the proceedings of 1 May. The council consists of thirty-six senators, sixteen of them consulars.³ The hearing takes place in one of the imperial gardens, as did Gaius' reception of Philo, and certain *matronae* are present, perhaps because it is a *cause célèbre*,⁴ but, held where it is, the trial can hardly have been fully public. Isidore makes his plea, with interruptions from the emperor; there follows a triangular argument between Isidore, Agrippa and Balbillus about the juridical status of the Alexandrian Jews; Isidore, perhaps already condemned to death for his delatorial activities against Claudius' *amici*, offers his services in the same capacity to Claudius; and the proceedings end with a bitter and astonishing exchange of scurrilities between emperor and gymnasiarch,⁵ before Isidore and Lampon are led away to execution.

¹ This new source is a section of the corpus of papyrus fragments now generally known as the 'Acts of the Pagan Martyrs', some remarks on which will be found in Appendix 2. The texts can be most conveniently read in Fr. H. A. Musurillo, *The Acts of the Pagan Martyrs*, Oxford, 1954.

² I have here treated the fragments of the 'Acts of Isidore' as if they belonged to a single, continuous narrative. For our purpose it matters little if this is not the case.

³ See Musurillo ad loc.

⁴ Wilcken quotes as a parallel Sen. *de Ira* III, 18, 4.

⁵ Reinach's restoration Σὺ δὲ ἐξαλώμης | [τῆς Ἰουδαίας τοῦ ὑποβλήτου] may be chronologically wild, but it is the perfect retort to [ἐ]ξ μουσικῆς εἰ, Ἰσίδωρε (*P. Cairo* 10448, col. 3, fr. 2, 11-12 and 8 respectively), and I prefer it to von Premerstein's.

The personalities and general situation may well be genuine, but the text is certainly not an official record but an invention, though parts of it may go back to an official original. The *consilium* of senators without a single *eques* is improbable but not impossible, and the number twenty should not tempt anyone into seeing here a commentary on the restoration of the Tiberian *consilium* as reported by Dio, because the council of Tiberius in which twenty senators took part was for *negotia publica*, and the twenty formed only part of it. Ταρκύντιος and 'Αουιδίλαος are well-authenticated figures. M. Tarquinius Priscus (317) was a much-hated man and a supporter of Agrippina, twice expelled from the senate. M'. Acilius Aviola (2) is either the man, or the father of the man, who was consul in 54, governed Asia in 65/6 and was *curator aquarum* from 74 to 97; moreover, it may well be he who appears with his son on Domitian's 'rhombus council' in Juvenal iv.¹ It is not clear what status Balbillus (91) is supposed to have in this case, but he was certainly an *amicus Caesaris* as early as 41,² and probably then had a long equestrian career including service with Claudius in Britain and the librarianship of Alexandria, finally becoming prefect of Egypt from 55 to at least 59.³ In Roman policy towards Egypt and the Jews he will have had a notable influence.

Seneca in the *Apocolocyntosis* calls Claudius 'omnium amicorum interfector',⁴ but this is a mere calumny; many of them survived and were influential under Nero and even the Flavians. Out of the large number known one or two names will illustrate the point: Ti. Plautius Silvanus Aelianus (262) was a *comes* of Claudius in Britain,⁵ and *cos. II* under Vespasian in 74 and *praefectus urbi*: L. Vestinus (188), who receives an 'honourable mention' in the Lyons speech, appears later as prefect of Egypt under Nero, and under Vespasian is said to have been 'auctoritate famaque inter procures' and to have been entrusted with the rebuilding of the Capitol: it may even be he who appears on Titus' *consilium* in one of the most recently published pieces of the 'Acts of the Pagan Martyrs'.⁶ Finally, it is curious to note how many

¹ See Groag, *PIR*², A 62.

² See Ch. III, p. 23 n. 10, on p. 24.

³ His career raises difficulties; see the prosopographical index. I am inclined, with Sherwin-White, *PBSR* xv (n.s. II) (1939), 21 n. 68, to regard *PIR*², C 812 and 813 as the same man, rather than father and son.

⁴ Sen. *Apoc.* 13.

⁵ Other *comites* in the British expedition were: Ser. Sulpicius Galba (314), the future emperor; L. Iunius Silanus (200) and Cn. Pompeius Magnus (269), Claudius' sons-in-law; A. Didius Gallus (133) (see Oliver in *Hesperia* x, 239-41); M. Licinius Crassus Frugi (204); Cn. Sentius Saturninus (300); D. Valerius Asiaticus (327); M. Vinicius (345); P. Graecinius Laco (162); Rufrius Pollio (286). See also A. Plautius (259).

⁶ See below, p. 52.

future emperors were *amici* of Claudius: Galba a *comes* in Britain, Vitellius backed by his powerful father, Vespasian chosen as an adviser;¹ and though Otho was as yet too young, his father L. Salvius (293) had been an influential figure ever since the days of Tiberius.

Into the council at the trial of Isidore, Wilcken originally, by a conjecture, brought the Empress Agrippina, and though she has not held her place in that text, she certainly did attempt to force her way into Claudius' public councils:

ἡ δὲ Ἀγριππῖνα καὶ δημοσίᾳ πολλάκις αὐτῷ καὶ χρηματίζοντι καὶ πρεσβείας ἀκροωμένῳ παρῆν, ἐπὶ βήματος ἰδίου καθημένη.²

But she did not dare in his reign to leave her own tribunal and mount his.

NERO

Nero, who succeeded to the principate before he was seventeen, was much more dependent on advisers than his predecessors Tiberius and Claudius, who had both come to the throne comparatively late after a long experience—Tiberius from practice and Claudius from watching others—of the methods and duties of statesmanship; and this fact makes his reign of great significance in the history of the *consilium*. The fierce struggle for prime influence over him is a well-known historical episode. Agrippina attempted now to appear with Nero even in the senate:³ though prevented in this, she attended meetings of the council when embassies were being received,⁴ and the *proximi amicorum* fought and feared her sway.⁵ Tacitus and Dio both describe the decisive occasion on which she was finally routed.⁶ During an important session, a hearing of Armenian ambassadors, she tried to go further than she had ever dared before—not merely to be present upon her own tribunal, but to mount the very dais on which the emperor himself sat with his council. This might have resulted in a grave loss of Roman *dignitas* at a vital moment. Only the tact and quick-wittedness of Seneca saved the situation; he signalled to Nero to rise and go to meet his mother.

¹ If Philostratus, *Vit. Apoll.* v, 29, 1, can be trusted: διὰ τὸν Κλαύδιον, ὃς ὑπατόν τ' ἀπέδειξε με καὶ σύμβουλον τῶν ἑαυτοῦ.

² Dio LX, 33, 7; cf. Tac. *Ann.* xii, 37, 5, 'Agrippinam quoque haud procul alio suggestu conspicuam'.

³ Tac. *Ann.* xiv, 11, 2.

⁴ Dio LXI, 3, 2; and see the passage of Joh. Ant. in Boissevain's edition, ad loc.

⁵ Tac. *Ann.* xiii, 13, 4.

⁶ Tac. *Ann.* xiii, 5, 3; Dio, LXI, 3, 3-4.

In the year A.D. 56 there was a discussion 'de fraudibus libertorum'.¹ Nero, doubtful whether an edict should be promulgated, consulted 'inter paucos'—a *consilium* could of course be of any size—and this is another case where there was much heated debate. Moreover, the matter had already been introduced into the senate, but that body no longer had the initiative to decide on a motion without the emperor's prior consent, and so the question was referred to him. Not only was there more and more work for legal *consilia*, but with the increasing irresponsibility of the senate there was more and more for administrative *consilia* as well.²

Another discussion of high importance which may have concerned the council was that about the *vectigalia* in 58.³ Nero proposed, quixotically and in entire ignorance of the workings of imperial finance, to abolish them altogether; but when the system and its implications were explained to him he capitulated at once, and instead an edict was issued making some minor but useful reforms. However, it may have been the senate which headed Nero off on this occasion.⁴ This was not the only wild scheme of Nero's to be abandoned after discussion with his elders; the same thing happened to his plan for evacuating Britain.⁵

Later came the Armenian emergency. Nero's counsellors had already been busied with Eastern affairs at the beginning of the reign, and their importance in this respect is well brought out by Tacitus: 'datum plane documentum, honestis an secus amicis uteretur, si ducem amota invidia egregium... deligeret'.⁶ In 63 the full extent of the debacle of Roman arms and prestige suddenly burst upon Nero, and he called an emergency meeting of *primores civitatis*, which applied itself at once to a series of vital military and political decisions.⁷

For the earlier part of the reign one more incident is relevant; even

¹ Tac. *Ann.* XIII, 26–7.

² The significance of this debate and decision will be further discussed in Ch. IX.

³ Tac. *Ann.* XIII, 50–1.

⁴ The MS. reads 'sed impetum eius... attinuere senatores'. Lipsius (followed, *inter alios*, by Fuchs in his recent text in the 'Editiones Helveticae') emended to 'seniores', with which might be compared *Ann.* XIII, 12, 2. On grounds of sense this reading is preferable, but emendation in such a case may well be thought unwise in principle, and is perhaps unnecessary, because in any case the senate's advice would have had no effect without the backing of the great *amici* and the *a rationibus*.

⁵ Suet. *Nero*, 18: undated, but probably induced by the first shock of the Boudiccan revolt in 61, I. A. Richmond in *Arch. Journ.* CIII (1946), 61, n. 32. See C. E. Stevens in *CR* LXV (n.s. 1) (1951), 4f. and E. Birley in *DJ* XLIV (1952), 88–92, for other views.

⁶ Tac. *Ann.* XIII, 6, 6.

⁷ *Ib.* xv, 25, 1–6. It is in the light of this passage that the water-organ story and its fellows need to be regarded.

the subject of the emperor's relations with Acte in 55 was discussed by the *amici*, who decided not to oppose the liaison.¹

Some of Nero's *amici* have already been mentioned; their influence stretched back into the principate of Claudius. The powerful Vestinus had a son, M. Vestinus Atticus (189), who was himself an *amicus principis*, but who fell in the Pisonian conspiracy. Eprius Marcellus (139) must be reserved for fuller treatment later, but he was certainly an *amicus* of Nero,² his services being of a deadly kind. The literary *amici* need not detain us: the really great, the makers of policy, were of course Seneca (20) and Burrus (17).³

On the judicial side, the most important testimony is that of Suetonius to certain innovations made under Nero which affected the procedure of *cognitiones* and the manner of consulting his *consilium*; these will be discussed in their due place.⁴ Two other passages of minor importance complete the tale. Anicetus made his shameful confession 'apud amicos quos velut consilio adhibuerat princeps';⁵ it was a sham affair,⁶ and the word 'velut' implies that not every gathering of *amici* was a *consilium*; in spite of the unofficial nature of the institution it was not impossible to distinguish in practice between a council meeting and a mere caucus. Secondly, when Pallas and Burrus were themselves indicted for *maiestas*, 'Burrus quamvis reus inter iudices sententiam dixit',⁷ no doubt because he was a regular member of Nero's judicial *consilia*.

An index to the scope of judicial business by the middle of the century is given in Seneca's remarks about the duties of the *a libellis*,⁸ to which may be added those of Statius on the *ab epistulis* some thirty years later.⁹ Not that all these matters needed the attention of an imperial *consilium*; much of the business could be dealt with summarily by an official. But the greater the total of petitions and communications, the greater the absolute share of the emperor and his council.

¹ Ib. XIII, 12, 2.

² Id. Hist. iv, 7-8.

³ For Seneca as *amicus principis* the *locus classicus* is Tac. Ann. xiv, 53-4; he was doubtless the object of the attack mentioned in XIII, 18, 1, '... viros gravitatem adseverantes'. Burrus' place was later taken by the sinister Tigellinus (240).

⁴ Suet. Nero, 15, 1. See below, Ch. VIII, pp. 111-112.

⁵ Tac. Ann. xiv, 62, 6.

⁶ See Furneaux's note ad loc.

⁷ Tac. Ann. XIII, 23, 4.

⁸ Sen. ad Polyb. 6, 5.

⁹ Stat. Silv. v, 1, 83-100.

GALBA, OTHO AND VITELLIUS

Of the unhappy group of rulers who jostled one another through the year 69 there is not much to say. They had their *amici*,¹ but when the search is for continuity, 69 yields little but negative evidence. Just two passages may be noted. Tacitus affords a glimpse into Galba's 'comitia imperii', which made such a disastrous choice; in it, besides the imperial 'παίδάγωγοι' Vinius (346) and Laco (115), sat Marius Celsus (225) and Ducenius Geminus (137), *praefectus urbi*, a distinguished consular who had governed Dalmatia for Nero and perhaps been proconsul of Asia.² The second quotation concerns Otho, who, when he left Rome to take the field against Vitellius, had with him a crowd of generals, amongst whom were Celsus and the experienced Suetonius Paullinus (311). They were dragged along συμβούλων ὄνομα καὶ φίλων,³ as a sham council of state, while the real direction of affairs was put into less worthy hands.⁴ Galerius Trachalus (159) however, the eminent orator, another member of this council, wrote at least one of Otho's speeches for him. Finally, in the arrangements for the abdication of Vitellius friends of both sides took part.⁵

THE FLAVIANS

The Flavian dynasty is a continuum in which, until the suspicions and terrors revived towards the end of Domitian's reign, there can be observed a high degree of consistency in imperial policy and of continuity in the advisers who helped to direct it.⁶

The judicial affairs of the period are the least interesting from this point of view, and may be treated first. Vespasian adhered to the time-honoured tradition of public *cognitiones* in the forum,⁷ in which

¹ One alleged *amicus* of Galba and Vespasian is nothing of the kind. *AE* 1932, no. 84 has the following: '[f]eci Q. Taur[o...][G]al. Gallo[] [am]ic. Galb. Imp. [et] Imp. Vesp. Caes.' etc. See, however, the original publication by Vilaro, *Junta Superior de Excavaciones y Antigüedades*, CXVI (1932), 110 and pl. xlv, where it will be plain that [am]ic. is impossible. Vilaro restores in l. 1 '[Ra]jecio Taur[o]', on whom see *PIR*¹, R 9, and in line 3 '[a m]il[itiis] Galb. Imp.' A. Stein's comments in *PIR*², G 64 and *Listy filologické* LXXIV (1950), 19-21 are unfortunately based on the text in *AE*; he had not seen the original.

² Tac. *Hist.* 1, 14.

³ Plut. *Otho*, 7.

⁴ Cf. Tac. *Hist.* 1, 87-90.

⁵ See Cluvius Rufus (104), Flavius Sabinus (151), and Silius Italicus (305).

⁶ They were loyal to the regime, though bitterly at loggerheads amongst themselves. See my suggestions in *AJP* LXXII (1951), 162-72.

⁷ Dio LXVI, 10, 5.

Titus, as 'particeps imperii',¹ played a frequent and, it was hinted, dishonourable part.² Of Domitian's judicial sessions a famous inscription provides evidence: 'Imp. Caesar Divi Vespasiani f. Domitianus | Aug. adhibitis utriusque ordinis splen|didis viris cognita causa inter Fale|rienses et Firmanos pronuntiavi quod | subscriptum est....'³ This is a judgment confirming the *ius possessorum* after the Flavian attempt to rescue *subsiciva*,⁴ another of those cases in which judicial and administrative considerations overlap. This session took place on 22 July 82, as the inscription records, at the Alban palace, Domitian's country retreat. So also did the grimmer meetings later on, when delation had returned. Catullus Messallinus (328) is to be found there, not as a *delator* (though he often was) but as a member of Domitian's *consilium*, delivering his *sententia* in matters of life and death.⁵

When in Rome Domitian maintained the traditional practice: 'ius diligenter et industrie dixit, plerumque et in foro pro tribunali extra ordinem.'⁶ But 'plerumque' should be noticed, for a new tendency was growing for trials to take place in the official audience-chamber of the Flavian palace.⁷ This is the setting of the trial of Apollonius of Tyana,⁸ which, being a matter of public excitement, according to Philostratus, took place amidst a large aristocratic audience. After 93 the bloody *maiestas* trials were held no longer in the Alban palace, but at Rome, in the full senate.⁹

For the administrative side, some of the evidence has already appeared in Chapter III: Vespasian's regular morning sessions and the elder Pliny's attendance at them; Titus' wise choice of *amici*, who, being 'rei publicae necessarii', were accepted by his successors;¹⁰ Trajan's opinion that Domitian, though wicked himself, had had good *amici*,

¹ Suet. *Div. Tit.* 6, 1.

² Ib. 7, 1, accepting Torrentius' emendation 'cognitionibus' for MS. 'contionibus'.

³ *CIL* IX, 5420, *FIR* 82.

⁴ See on this matter *CAH* XI, 16 and 38 (Charlesworth).

⁵ Tac. *Agr.* 45, 1.

⁶ Suet. *Dom.* 8, 1.

⁷ See below, Ch. VIII, p. 107.

⁸ Philost. *Vit. Apoll.* VIII, 4-5.

⁹ Tac. loc. cit.

¹⁰ This remark of Suetonius, *Div. Tit.* 7, 2, is at first sight difficult to reconcile with Dio LXVII, 2, 1, πολλοὶ καὶ αὐτὸν ὑπερεβόλετο ἐν τῇ τῶν τοῦ πατρὸς τοῦ τε ἀδελφοῦ φίλων ἀτίμῳ τε καὶ ὀλεθρίῳ μεταχειρίσει. But (a) some of the men on the *rhombus* council are old Vespasianic *amici*, (b) some went into retirement, to reappear in happier times, e.g. Arrius Antoninus (32) who was proconsul of Asia under Vespasian and is not heard of again till the accession of Nerva, (c) some survived the earlier part of Domitian's reign in positions of honour and influence, but were executed in the latter part. Both are right, then, though it would be truer to say that Titus kept the *amici* of his father (they were indispensable) than that he chose them in the first place.

and Tacitus' description of the vast influence of Crispus and Marcellus. It remains to introduce the *pièce de résistance*, Juvenal IV, 37 ad fin., a mock-epic skit on the meetings of Domitian's political council.

The session takes place at the Alban palace: a fisherman has brought the emperor a mighty *rhombus*, which will not accommodate itself to any dish in the imperial kitchen, and the burning question arises: shall it be cut or not? 'Vocantur | ergo in consilium proceres.' The first is Pegasus (251), the chief jurist of his day, with a wide administrative experience as well,¹ who had been appointed *praefectus urbi* by Vespasian² and was still holding that office. Next comes the elderly Vibius Crispus (340) of humble origin like Pegasus, one of those outstanding figures who reached a third consulship (his first had probably been in Nero's day) and who was a pillar of Flavian Rome uninterruptedly until his death at over eighty years of age. As befell most such men, he was bitterly attacked afterwards—Juvenal's own lines on him are celebrated:

numquam derexit brachia contra
torrentem, nec civis erat qui libera posset
verba animi proferre et vitam impendere vero. (ll. 89–91)

But his services to the Flavians were not merely those of a sycophant.

The next arrivals are the Acilii, father and son (2, 3). The former, it will be remembered, is perhaps the 'Αουιόλαος of Claudius' *consilium*, still, as an old man, worth hearing in an emergency: the son was less fortunate, for though he reached the consulship in 91 with Trajan's father, he fell foul of Domitian's fears of conspiracy, was exiled and in 95 executed. Rubrius Gallus (285), who follows the Acilii, is a man of a different stamp, a soldier who had served Nero and Vespasian. Montanus (232), in spite of doubts as to his identity,³ was at any rate a courtier of long standing: 'noverat ille | luxuriam imperii veterem' (ll. 136–7), an epicure with perhaps more solid qualities than emerge from Juvenal.

Crispinus (129) follows, Juvenal's *bête noire*, risen from very slavery to be *praefectus praetorio*,⁴ a luxurious, ostentatious creature who would have made no mark on the austere Domitian had he had no more

¹ 'Plurimis provinciis praefuit', Schol.

² 'Positus modo vilicus urbi' is odd, if he had really been appointed by Vespasian. Mr H. B. Mattingly suggests (in correspondence) that the scholiast has blundered, and that either Titus or Domitian gave Pegasus the job.

³ Groag in *PIR*², C 1615–16 rejects his identification with either of Tacitus' Curtii Montani.

⁴ See Friedländer's ed., I, 238 n. 31.

valuable characteristics; and after him come the *delator* Pompeius, unknown, but perhaps Cn. Pompeius Ferox Licinianus (266),¹ and the other praetorian prefect Cornelius Fuscus (113), the first holder of this office to be given sole charge of a campaign—that of the second Dacian war, in which he fell.

Two more characters complete the council. Fabricius Veiento (148), another powerful and hated man, was three times consul and continued in the service of Nerva and Trajan—‘prudens Veiento’. He was a descendant either by blood or adoption of Claudius’ *comes* A. Didius Gallus. Finally comes the blind *delator*, L. Valerius Catullus Messallinus (328).

At line 130, the *consilium* proceeds to business. ‘Quidnam igitur censens? conciditur?’ Montanus gives a formal opinion that a special vessel should be prepared, and his view is accepted: ‘vicit digna viro sententia’. At line 144 comes the adjournment:

surgitur, et misso procures exire iubentur
consilio, quos Albanam dux magnus in arcem
traxerat attonitos et festinare coactos.

Juvenal’s Satire is of the utmost importance in the understanding both of the *consilium* and of Flavian politics. Here are jurists, soldiers, diplomats, aged and venerable counsellors—a most respectable and capable body, once we have penetrated behind the screen of prejudice with which their careers have been overlaid. The mere *delator* with no public service to his name, the Sura or Armillatus,² finds no place here, for these are statesmen. Of the eleven, the only *equites* seem to be the praetorian prefects, and one of the senators is *praefectus urbi*. *Ex officio* is not an appropriate term in dealing with men who appear on a body as loosely constituted as these political councils, but the praetorian and urban prefects were naturally and necessarily in the closest confidence of the emperor and unlikely to be left out when anything serious was afoot.

In the second place, no more vivid illustration could be found of the continuity of the imperial advisers, both within the Flavian period and stretching beyond its limits in both directions. Domitian may have

¹ Mr H. B. Mattingly, in correspondence, has contested this identification. Licinianus is now known from the *Fasti Ostienses* not to have been *cos. suff.* till 98, which diminishes (but does not, I think, rule out of court) his likelihood as a member of the *consilium* in 83. Other candidates might be M. Larcus Magnus Pompeius Silo, *cos. suff.* in 82 or 83, or Cn. Pompeius Collega, legate of Cappadocia in 75.

² See the same Satire, l. 53.

detested personally the men who had served his predecessors, but he could not do without them; that he attempted to do so was a major contributory cause of his downfall.

One or two other Flavian *amici* must be mentioned. Caelius Sabinus (36) was the successor of Cassius Longinus, the great Julio-Claudian jurist. Caelius 'plurimum temporibus Vespasiani potuit'.¹ Suetonius gives the all-powerful Mucianus (205) his place amongst the *amici*,² though it could not have been doubted for a moment, and the other principal and early supporter of the dynasty, that remarkable man Ti. Iulius Alexander (170), receives his title of φίλος from Josephus.³ M. Arrecinus Clemens (31) belongs to this group of 'founder-members'; he was rewarded with two consulships, was Titus' brother-in-law and Domitian's confidential agent, but fell foul of him in the end and was executed.⁴ An important parallel to Crispinus is Claudius the Smyrniote (88). His name is not, in fact, known from direct evidence at all, but he was the father of Claudius Etruscus, to whom Statius addressed two of the *Silvae*, the second of which is a *consolatio* on the death of his father, whose career is outlined in it.⁵ He was a Smyrniote slave, who entered the imperial service and was manumitted by Tiberius; he became a trusted companion of Gaius and yet more influential with Claudius; after the retirement of Pallas he became a *rationibus*, and held that office uninterruptedly until banished by Domitian at the age of eighty; meanwhile he had taken part in the Jewish triumph of Vespasian and Titus and received equestrian status, perhaps in the censorship of 73/4.

One more well-known figure seems now to reappear in a recently published fragment of the 'Acts of the Pagan Martyrs',⁶ which concerns the usual sort of proceedings, this time before the Emperor Titus. Someone called Ούστε[—] is apparently a member of the *consilium*; and C. H. Roberts not implausibly sees in him Claudius' and Vespasian's friend L. Iulius Vestinus (188). If so, we have a capital example of those advisers of long standing, retained by Titus, who lent solidity to the Flavian regime.

¹ Dig. 1, 2, 2, 53.

² Suet. *Div. Vesp.* 13. No doubt *Dom.* 2, 1 is also a reference to him, see Tac. *Hist.* iv, 68.

³ Jos. *BJ* v, 45-6.

⁴ Suet. *Dom.* 11, 1. Cf. the Flavii Sabini (151 a, b). ⁵ Stat. *Silv.* III, 3, *passim*.

⁶ P. Harris, ined., published by C. H. Roberts in *JRS* xxxix (1949), 79-80, l. 13. See above, p. 44, and Appendix 2, p. 133.

NERVA AND TRAJAN

Under Nerva, Rome was run by a group of elder statesmen. Nerva himself was one (108), and Verginius Rufus (337), Spurinna (339), Arrius Antoninus (32), Frontinus (176) and Corellius Rufus (109) were amongst his inner circle;¹ ἔπραττε δὲ οὐδὲν ὃ τι μὴ μετὰ τῶν πρῶτων ἀνδρῶν.² Late in 97 he held, as Galba had done, 'comitia imperii', but his advisers, perhaps through pressure from military quarters, made a wiser choice than Galba's.³ Veiento kept his place, in spite of bad feeling;⁴ perhaps his *prudencia*, like that of Crispus, was too precious and statesmanlike a quality to throw away. Arrius, on the contrary, emerged from retirement to take his place in the new government,⁵ and others with him.

For Trajan's judicial *consilia* there are some well-worn passages in Pliny's letters. Pliny (263), though a barrister of note, was not a *iuris consultus*, and he has not explained why he was 'in consilium adsumptus', but his letters betray his delight at the distinction, which had not yet been cheapened by the employment of salaried professionals—he and his colleagues received only an honorarium.⁶ The sole other member mentioned is Iunius Mauricus (195), a man celebrated for his freedom of speech, exiled by Domitian, who came into his own again with Nerva and Trajan. But two other judicial advisers of Trajan are mentioned elsewhere:⁷ Neratius Priscus (235), whose importance will appear later, and Aristo (323).

The content of the matters dealt with by the council in these letters is not very illuminating; indeed their triviality is the most significant thing about them: the case of Trebonius Rufinus, tried for abolishing gymnastic contests at Vienne;⁸ charges and counter-charges between a governor and one of his suite;⁹ the trial of an Ephesian magnate on some unspecified charge; a case of adultery by the wife of a serving officer with a centurion; and an alleged falsification of *codicilli*.¹⁰ Only the last, as far as can be seen, involved a question of procedure that

¹ CAH XI, 198 (Longden); see n. 1 for some remarks on the younger generation of legal and military men behind the regime.

² Dio LXVIII, 2, 3.

³ Syme has pointed out that Tacitus, who was consul this year, may well have been present, and stoked the fires of his cynicism.

⁴ Pliny, *Ep.* IV, 22, 4.

⁵ *Ep. de Caes.* 12, 3.

⁶ Pliny, *Ep.* VI, 31, 14.

⁷ *Dig.* 37, 12, 5.

⁸ *Ep.* IV, 22.

⁹ *Ep.* VI, 22.

¹⁰ *Ep.* VI, 31.

could reasonably require solution by a high authority, though Pliny professes himself overwhelmed with the 'gravitas cognitionum'.

The 'Acts of the Pagan Martyrs' provide at this point a characteristic fragment supposed to report a *cognitio* under Trajan.¹ Jewish and Alexandrian envoys arrive in Rome, the Empress Plotina actively intervening in favour of the former. The proceedings again degenerate into a wrangle between Trajan and Hermaiscus, presumably the head of the Alexandrian delegation, who declares that the *consilium* is packed with 'dirty Jews': ἀλλὰ λυπούμεθα ὅτι τὸ συνέδριόν σου ἐπλήσθη τῶν ἀνοσίων ἰουδαίων.² The papyrus breaks off before the denouement.

Of political councils little is heard. Pliny speaks of the well-known lawyer Iavolenus Priscus (239) in 106 or 107: 'est omnino Priscus dubiae sanitatis, interest tamen officii, adhibetur consiliis.'³ Priscus, the successor of Caelius Sabinus, had been a provincial administrator of vast experience, and Pliny may mean that he took part in imperial *consilia*, but one cannot be sure.

An interesting hint is given by Hadrian's biographer: 'frequens sane opinio fuit Traiano id animi fuisse ut Neratium Priscum, non Hadrianum successorem relinqueret, multis amicis in hoc consentientibus.'⁴ It may be imagined that a series of bitter discussions took place over the succession; Hadrian (9), the upstart who had pushed his way into Trajan's favour, was not the favourite candidate. And amongst the *amici* who opposed Hadrian can almost certainly be reckoned the four great consulars who were removed at the beginning of his reign,⁵ and Baebius Macer (56) and Laberius Maximus (202), who nearly suffered the same fate.⁶ The four consulars were pillars, along with Sura (209) while he lived, of Trajan's expansionist imperialism. Cornelius Palma (120) was the conqueror and organizer of Arabia; Dio testifies to his tremendous power, and that of Nigrinus (45).⁷ Publilius Celsus (280), *cos. II ord.* in 113, had a statue erected to him for his services, as did also Palma. Lusius Quietus (216) put down the Jews.⁸

Trajan is said to have expressed admiration for the counsellors of Domitian; he might well do so, for he had some of them left, such as Veiento, and some others like Frontinus (176), who after his services to

¹ P. Oxy. 1242, the 'Acts of Hermaiscus', see Appendix 2, p. 133.

² Ll. 41-3.

³ Pliny, *Ep.* vi, 15, 3.

⁴ SHA, *Had.* 4, 8.

⁵ *Ib.* 7, 1-2.

⁶ *Ib.* 5, 5. On the whole subject, see von Premerstein, 'Das Attentat der Konsulare', *Klio*, Beiheft VIII (1908), esp. 75-80.

⁷ Dio LXIX, 2, 5.

⁸ See also Claudius Livianus (95), Iulius Quadratus Bassus (183), Antius Iulius Quadratus (184) and Glitius Agricola (161a).

Vespasian and in the early years of Domitian had held wisely aloof later on and now emerged to a second and third consulship with the emperor himself.¹ As for Neratius Priscus, the jurist to whom Trajan is said (whether rightly is a matter of doubt) to have had a mind to hand the Empire, he was a big enough statesman to serve Hadrian as he had done his predecessor.²

By way of summary of the imperial councils down to Trajan's time three points may be re-emphasized. First, the system: the emperors eschewed any fixed organization or professional body, and combined the advantages of personal choice with the maximum of practical experience in their counsellors. This had its attendant disadvantage, that there was always an element of the cabal, and court intrigue was consequently a larger factor in the government of the Empire than it should have been. However, if one is looking for the sources of imperial policy, it is in this direction that one must look.

Secondly, the varied talent and experience upon which the emperor could call is abundantly illustrated by the careers of the *amici*, and it becomes clear that in seeking the 'best man for the job', the emperors were not as blinded by personal prejudice as is sometimes supposed.

Thirdly and finally, we return once more to the theme of continuity. It has perhaps been overstressed, and not enough said of the grimmer side and the less responsible and statesmanlike factors that played their part in the running of the Empire. But the thread of method that runs through the madness can best be traced by heightening its colour, and the phenomena are sufficiently striking, especially the careers of those elderly statesmen who overlapped three or four reigns, and the father-and-son tradition. Both will receive further illustration in the chapters that follow.

¹ See also Aurelius Fulvus (50), Calvisius Ruso (79a), Domitius Tullus and his brother (135a), Ti. Iulius Candidus Marius Celsus (174) and Julius Ursus (190).

² SHA, *Had.* 18, 1. The Paccius of Plut. *de Tranq. An.* 465a, 467d, 468b (the treatise doubtless fits the recipient) sounds to me like an *amicus principis*. 'ἡγεμῶν for *princeps* went out of official use with the Julio-Claudians (E. Kornemann in *Klio* xxxi (1938), 85-90), but Plutarch can still use it in this sense (e.g. *Galb.* 22), and at 471e, 472b we have φίλοι βασιλέων. It would be attractive to identify him with C. Paccius Africanus, the man nearly turned out of the senate in 70 (Tac. *Hist.* iv, 41), who was proconsul of Africa in 78 (*AE* 1949, nos. 76, 84). If this treatise is Trajanic, however (see the reference to Fundanus, probably Minicius Fundanus, *cos.* 107), we may be dealing with an unrecorded son. Neither the Paccius of Juv. vii, 12 nor the Pacius of xii, 99 seems to be relevant. The discussions of Kroll and M. Hofmann, *RE*, Paccius 3 and 7 are contradictory and unsatisfactory.

CHAPTER V

HADRIAN

WITH Hadrian comes difficulty and controversy: did he bring about a major reform and reorganization of the *consilium*, or not? Mommsen and Cuq saw eye to eye in this matter; they both believed in a Hadrianic reorganization, and most modern scholars have followed them.¹ Pringsheim goes so far as to say that 'Hadrian was the first to establish a permanent council'.² Nevertheless, there have been voices raised in protest. Schiller³ saw no reason to suppose that the position of jurists (on whom the question turns) was any more or less fixed on the *consilium* after Hadrian than before; Cicogna took the same view,⁴ and it was stated with emphasis by Seeck, who could see no sign of a permanent council even down to Diocletian.⁵

This important question demands the most careful study of all the evidence, and post-Hadrianic evidence is no less relevant to it than the rest, so that the reader is asked to reserve judgment until he has beneath his eye the whole panorama of imperial councils down to and including Diocletian. Of course there is a development between the informal *ad hoc* councils of the first century and the formal privy council of the fourth, and the change was not brought about by a stroke of Diocletian's or Constantine's pen; for already in the second half of the second century, when epigraphy begins to record the existence of *consiliarii*, some new factor has evidently entered in. But in view of the prevalent habit of 'attributing to Hadrian every innovation about which nothing concrete is known'⁶ the wisest course is scrupulously to refuse to run beyond the evidence.

Efficiency by means of direction from above was Hadrian's aim, as it had been that of Claudius;⁷ in the matter of *consilia* Claudius had

¹ Mommsen, *StR* 11⁸, 989; Cuq, *Mémoire*, 328 f.; H. Last in *CAH* XI, 425; H. F. Jolowicz, *Historical Introd. to Roman Law*, 1st ed., 347; F. Pringsheim in *JRS* xxiv (1934), 146; F. Schulz, *History of Roman Legal Science*, 118, etc. ² Loc. cit.

³ Reviewing Cuq, *Mémoire*, in *Bursians Jahresbericht* XLIV (1885), pt. 3, 285.

⁴ In his monograph *Consilium Principis* (Torino, 1902).

⁵ In *RE*, *consistorium*, 927-8.

⁶ A. Passerini, *Le corti pretorie*, 79 n. 2 (p. 80). See also the remarks of Kunkel, *Herkunft*, 292.

⁷ See, for Hadrian, Pringsheim, op. cit. 145; and for Claudius, A. Momigliano, *L'opera dell' Imp. Claudio*, 83 (= *Claudius, the Emperor and his Achievement*, 41-2).

apparently found the existing arrangements adequate, but Hadrian was faced with one major problem with which Claudius had not much concerned himself—the growing confusion of the emperor's position in regard to the law.

In the first place, judicial business had continued to expand. Claudius had already spent much of his time upon it, but the inevitable supersession of the *quaestiones* as well as the ordinary formulary procedure of private law by imperial *cognitio* was taking its course, and appeal to the emperor becoming increasingly common. Claudius, a comparative stay-at-home, could afford the time, but for travellers like Trajan and Hadrian it must have become more and more impossible to get through the business without regular professional help to deal briskly with straightforward cases.

Secondly, the law had lagged behind the administrative bureaucratization. Gaius, somewhat later, gives a list of the sources of law;¹ his last two categories, *edicta eorum qui ius edicendi habent* and *responsa prudentium*, lay, when Hadrian succeeded to the purple, outside the emperor's control. The praetor could still grant new actions, *exceptiones* or interdicts *adiuvandi vel supplendi vel corrigendi iuris civilis gratia*,² independently of the emperor. It is indeed difficult to ascertain just how far the Edict continued to develop in the first century³ (its major formative period certainly lay earlier, in the last century and a half of the Republic); most of the changes were designed to bring it into line with legislation, imperial orders and *senatus consulta*.⁴ We do hear, however, of the great Cassius Longinus going his own way in a number of cases,⁵ even if he left no permanent mark on the Edict, and it may well be that some important general features such as the original form of the *actio Serviana* were the work of early imperial praetors. Hadrian therefore authorized Salvius Iulianus (292) to codify the Edict; the intention was that any further development of the *ius honorarium*

¹ *Inst.* 1, 2.

² Papinian in *Dig.* 1, 1, 7, 1. There is no need in this place to discuss generally the Edict and its influence on the development of the law. See Jolowicz, *op. cit.* 96–8.

³ See E. Weiss, 'Vorjulianische Ediktsredaktionen', *ZSS L* (1930), 249–271.

⁴ Thus, for example (quoting the titles and edicts from Lenel, *Das Edictum Perpetuum*³): (a) Legislation: it is probable that statutes such as the *Leges Aelia Sentia* and *Papia Poppaea* had their effect on the Edict. (b) Imperial constitutions: xv, 88(?), Lenel p. 218, a formula *ad epistulam divi Hadriani*; xxv, 147, a modification *ex epistula divi Hadriani*; xxv, 155, deriving from imperial constitutions. (c) *Senatus consulta*: xv, 68, based on the S.C. Trebellianum; xviii, 105, on the S.C. Velleianum.

⁵ *Dig.* 4, 6, 26, 7; 29, 2, 99; 44, 4, 4, 33.

should lie with the emperor and not with the praetor,¹ which would naturally involve regular legal consultation.

As for the *responsa prudentium*,² they were complicated by differences of outlook between the two schools of jurists, the Proculians and the Sabinians. No one knows exactly what these differences were based on;³ Cuij overstressed their importance, and according to him the main difference, which lay in the attitude to legal development, bade fair to make nonsense of the law altogether.⁴ Most scholars today regard the quarrel between the schools as less fundamental; it was more probably a matter of inherited and carefully fostered attitudes to matters of detail. But for an emperor bent on rationalization the possibility of conflicting *responsa* was an anomaly, and the obvious way to neutralize the whole quarrel was to give the leaders of both schools membership of a body presided over by himself, in which he could insist on agreed solutions.

Finally, the position of the emperor as legislator had gone too long unclarified.⁵ His decisions, instructions and answers to petitions were indeed valid *de facto*, and he had the right to issue edicts, but he had no *de iure* legislative power in the strict sense,⁶ and imperial legislation, even in the loose sense, was rare in the first century.⁷ To make his constitutions worthy of legislative validity the emperor needed the support of all the highest legal opinion of the day.

Many things therefore pointed towards a reorganization of the *consilium* in the legal sphere of its activity. The step that Hadrian took is reported by his biographer: 'cum iudicaret in consilio habuit non

¹ *Const. Tanta*, 18, 'ut si quid imperfectum inveniatur ab imperiali sanctione hoc repleatur'.

² We cannot here enter the tangled thickets of the *ius respondendi ex auctoritate principis*; for some recent contributions see Schulz, *op. cit.* 112-17; Kunkel in *ZSS* LXVI (1948), 423-57; A. Guarino in *Revue internationale des droits de l'antiquité*, II (*Mél. De Visscher* I) (1949), 401-19; E. Schönbauer in *AOAW* LXXXVII (1950), 94-124; A. Magdelain in *Rev. hist. de droit français et étranger* (sér. 4), XXVIII (1950), 1-22, 157-82; D. Daube in *ZSS* LXVII (1950), 511-18; Kunkel, *Herkunft* 281-9. It may, however, be worth suggesting that one purpose at least of establishing a group of 'patented' jurists was to delegate some of the mass of technical legal business that would otherwise have fallen to the *consilium*, since people seeking 'counsel's opinion' would naturally be tempted to go to the new fountain-head. (For this process see S. Riccobono in *Rev. int. des droits de l'antiquité* III (*Mél. De Visscher* II) (1949), 277-93.)

³ See Jolowicz, *op. cit.* 385; *RE*, Rechtsschulen (Kübler).

⁴ *Mémoire*, 333-5.

⁵ I cannot accept the views of von Premierstein and Magdelain as to the official legislative role of *auctoritas*.

⁶ The statements of Gaius, *Inst.* I, 5, and Ulpian in *Dig.* I, 4, 1 pr., reflect later circumstances.

⁷ W. W. Buckland in *CAH* XI, 815.

amicos suos aut comites solum sed iuris consultos et praecipue Iu<ven>-tium Celsum Salvium Iulianum Neratium Priscum aliosque, quos tamen senatus omnis probasset.¹ Now wherein lies the novelty? Not in the introduction of *iuris consulti* to the *consilium*, for, as the foregoing chapters have shown, almost all the principal jurists of the first century are recorded as having advised one emperor or another. If there is a new element here it must be that of regularity, and Cuq was right in saying that what Hadrian introduced was a new professionalism. All the chief legal experts of the day sit regularly on the judicial *consilium*, besides an unspecified number of others. Celsus and Julian are the heads of the rival schools. What we have, in fact, is the creation of a professional nucleus within the *consilium*.

That is true, but certain points must be borne in mind which qualify the conclusion, limit the scope of Hadrian's reform, and necessitate caution in the way in which it is described. First of all, it is only stated to have concerned judicial matters. The legal situation, as we have reviewed it, demanded a 'law committee' for technical discussion of the law, and it may well be that Hadrian used such a body, calling in only the lawyers when necessary;² but the evidence cannot be said to prove this. Secondly, the jurists are only one element in a council which otherwise retains entirely its traditional form. It is not known how large a proportion they formed of the whole, for we do not know the regular size of imperial *consilia*;³ and there is no clue as to the number of *alii* who accompanied the great jurists. Nothing would warrant the assumption that they formed a majority, or that Hadrian had the least intention of turning the *consilium* into a legal clique, and it will be seen that all the later evidence indicates that apart from the nucleus of jurists, and apart from the possibility of a technical 'law committee', the council remained as formless as before. There is no 'permanent council'.

¹ SHA, *Had.* 18, 1.

² Later on, the discussions recorded by Paulus in his *Libri decretorum* seem to be of this kind, see below, pp. 79-80 and 113. It should be remembered that Augustus once called together the lawyers in this way, see above, pp 31-2.

³ The number twenty seems to haunt this subject; twenty members as a nucleus of the revised senatorial committee of A.D. 13; twenty *principes civitatis* included in Tiberius' new *consilium* in A.D. 14; twenty non-consular senators taking part in the *consilium* of Claudius in the 'Acts of Isidore'; twenty *comites consistoriani* immune from the provision of *tirones* in *Nov. Val.* vi, 3, 1. But the only totals we have are the thirty-six members of the council in the 'Acts of Isidore' and the eleven men on Domitian's *rhombus* council. I think, therefore, that the prevalence of the number twenty is a coincidence, and that we do not know the regular size of these bodies.

In the third place, this matter must not be confused with that of the *consiliarii*. Men with this title are found later on; the earliest known case belongs to the reign of Marcus. The evidence for *consiliarii* and their function will be discussed in connexion with that reign;¹ here, to anticipate conclusions, this much may be said, that although they may have been established by Hadrian they cannot be proved to have been, and that in any case they were minor civil servants, *equites*, having nothing to do with the great Celsus and Julian and Priscus and their later counterparts, who were senators, and who could sit of their own right amongst the *amici principis*.² So if there was a 'salaried official' element in Hadrian's *consilium* it was far from being dominant.

One further problem is raised by this passage, the apparent part played by the senate in the choice of these *iuris consulti*. That the choice was left to the senate seems improbable, in view of the immemorial Roman tradition that for jurisdiction a magistrate chose his own *consilium*; on the other hand Hadrian did not merely co-opt men who were *personae gratae* to the senate, for the biographer does not say that they were 'men of whom the senate approved', but 'men whom the senate had approved'.³ Perhaps the word 'investiture' used by Cuq⁴ is too formal, but it looks as though there was an official ratification—one of those moves perhaps by which Hadrian sought to re-establish his lost popularity in 118. It extended, of course, only to the juristic nucleus of the council, not to the *amici* and *comites*.

The Augustan History records that Hadrian took the opportunity of his travels to hold trials of provincial governors and procurators on the spot, and that he 'causas Romae atque in provinciis frequenter audivit, adhibitis in consilio suo consulibus atque praetoribus et optimis senatoribus'.⁵ No mention is made here of jurisconsults; and in Dio, too, the council looks very much as it always had done: ἐδίκαζε μετὰ τῶν πρώτων, he says simply.⁶ The 'Acts of the Pagan Martyrs' provide some valuable Hadrianic material,⁷ and in one fragment⁸ certain

¹ See Ch. vi, pp. 73-4.

² Kunkel, *Herkunft* 298, has observed this.

³ This point is also made by Kunkel, *ib.*, 297 n. 628.

⁴ *Mémoire*, 336.

⁵ SHA, *Had.* 13, 10; 22, 11. This provides a strong argument in favour of the probability that Hadrian had a professional jurist or two to travel with him, so as never to be without legal advice.

⁶ Dio LXIX, 7, 1.

⁷ The most important part, the 'Acts of Antoninus and Paulus', is described below, in Appendix 4, pp. 143-4.

⁸ *P. Oxy.* 2177, col. ii, 59-63.

Athenian spokesmen plead the Alexandrian cause and present in evidence a letter;

ὁ δὲ Καῖσαρ ἀναγνο[ύς] | τὴν γραφεῖσαν ἐπιστο[λὴν] | μετακαλε-
σάμενος ἐπ[ὶ] [. . .] | [συγ]κλητικούς καὶ τοὺς [ἰδί]ου]ς φίλους ἐκέλευσε . . .

Hadrian, it seems, reads the document in private and then recalls his *consilium*, which turns out to be the usual group of *amici*, comprised of senators and others. There is no hint that the council has drastically changed its nature or composition. As to *equites*, they are not mentioned in the passages so far quoted, but they certainly appeared on the *consilium*, for there was a special rule debarring them from the trials of senators.¹ Thus we have, serving on Hadrian's judicial council, consuls, praetors, οἱ πρῶτοι, *optimi senatores*, *amici*, *comites*, *iuris consulti*, *equites*. In the face of this diversity of phrase it would be unwise to lay much stress on the new professional element.

Only in the light of the above discussion is it possible to approach the kernel of the whole controversy, the statement of *Epitome de Caesaribus* 14, 11 that Hadrian 'officia sane publica et palatina nec non militiae in eam formam statuit quae paucis per Constantinum immutatis hodie perseverat'.² This is a much-quoted sentence; most writers about Hadrian bring it in to clinch their account of one aspect or another of his reforming activities. But its meaning, though very far from clear, does not seem ever to have been closely examined. Mommsen took it to refer to the organization of the whole administrative hierarchy ('Beamtenwesen');³ and in the *Staatsrecht* he said that the author of the *Epitome* was 'no doubt primarily thinking of the *consistorium sacrum* of the later Empire, which is after all nothing but the Hadrianic *consilium*'.⁴ It is perhaps this comment of Mommsen's more than anything else which has induced his successors so often to overstress the Hadrianic reform of the *consilium*. Apart, however, from the *Epitome*, the rest of the evidence hardly supports the view that Hadrian's *consilium* was much like the *consistorium* (though of course the author of the *Epitome* may have thought so); and whether the *Epitome* itself is evidence for this view depends on what the sentence means.

An attempt has been made to go into this question in detail in Appendix 3 below. There are in fact two questions involved. What is the author of the *Epitome*, given his date and background, likely to have

¹ SHA, *Had.* 8, 8-9.

² *Perseverant*, codd. The early editors made the necessary correction.

³ 'Ostgothische Studien', in *Ges. Schr.* VI, at 405 n. 3.

⁴ *SzR* 11³, 989 n. 1.

meant? And, whatever he meant, how far was he right? The discussion in the Appendix, to which the reader is referred, leads to no more than a negative result; we cannot be sure whether the *Epitome* is talking about the *officia* in the technical sense of the late Empire—the subordinate personnel of the administrative bureaux (in which case it is totally irrelevant to the *consilium* and Mommsen's comment is misconceived), or whether *officia* means the 'duties' or 'functions' of court, army and administration. In this case Mommsen may well be right in taking the implications to include reform of the *consilium*; whether the *Epitome* is right in its view of this reform will depend upon the other evidence. What does become clear on scratching the surface of the *Epitome* is that the fifth century no longer knew enough about the second to distinguish accurately the nature of what Hadrian did, so that *Ep. de Caes.* 14, 11 cannot be treated as in itself evidence for the Hadrianic reform of the *consilium*. It is possible that Hadrian began the practice of having not only the praetorian prefects but also the heads of the *scrinia* regularly on his *consilium*; possible also that he established the *consiliarii*, to travel with him and to serve on the 'law committee'. If he did, then his *consilium* did begin to look more like the *consistorium*; but although these things had certainly come into being by Severan times, they cannot be proved to go back to Hadrian, and even if they could it would be misleading to speak of the creation of a new organ of government.

The partial ban on *equites* already mentioned is described by the Augustan History in these words: 'equites Romanos nec sine se de senatoribus nec secum iudicare permisit.'¹ Round this statement has grown another controversy. Does it imply that the imperial council could function without the emperor, that it was a body fixed and standard enough in composition to meet under another chairman, for example the praetorian prefect? And if so is the implication correct? Homo and Miller answer both questions in the affirmative, Durry and Passerini in the negative;² von Premerstein produced a hypothesis which, if accepted, would provide some positive evidence on the point, namely that the trial of the four consulars who were executed in 118 took place before the imperial *consilium*, meeting in Rome under the

¹ SHA, *Had.* 8, 8.

² Homo, *IPR* 368; S. N. Miller in *CAH* XII, 29; Durry, *CP* 175; A. Passerini, *Le corti pretorie*, 261. Durry and Passerini both assert that Mommsen gave an affirmative answer; so does L. L. Howe, *The Pretorian Prefect*, 33 n. 5. But 'eine leitende Stellung' (*StR* II⁸, 990) need only mean 'a leading part'.

presidency of the praetorian prefect, Attianus, while Hadrian was still in the East.¹ According to the Augustan History they were executed 'senatu iubente',² but it is virtually certain, for the cogent reasons brought by von Premerstein, that the responsibility for the order was Hadrian's. He attempted to saddle Attianus with it,³ which suggests that the latter had indeed presided over the trial. So much may be granted; but that is not to say that Attianus' council was the imperial council. To suppose so is to beg the whole question; it is much more natural to assume, in consonance with all the evidence down to Hadrian's day, that if the emperor summoned a *consilium* it was his, and if the praetorian prefect summoned one it was his.⁴ That the prefects had their own court is well known, and both the *Sententiae Hadriani*⁵ and Dio's account of the activities of Turbo⁶ show that they had it already under Hadrian.⁷ Finally, it is necessary to inquire into the position of those *comites* who were in the East with Hadrian. If he called them together for advice, were they not an imperial *consilium*, and if so are we to envisage two imperial *consilia* existing simultaneously, although there was only one emperor?⁸ It seems perfectly reasonable to interpret 'nec sine se . . . nec secum' as 'neither in any other court nor in his own'; and in this case we are still without positive evidence in favour of the proposition that in Hadrian's day the council functioned under any chairman other than the emperor.⁸

That Hadrian and his council continued to busy themselves with matters of small importance is shown by the *Sententiae Hadriani*, which record his alleged replies to such things as an appeal to serve in the praetorians, petitions of parents for maintenance, the complaint of a *pupilla* that she is starved by her guardian, and so on. Hadrian's conscientiousness is borne out by his preference for oral examination of witnesses to the reading of written testimony,⁹ and by his reputation for allowing freedom of speech to barristers pleading their cases.¹⁰

¹ Von Premerstein, *Das Attentat*, 40.

² SHA, *Had.* 7, 2.

³ *Ib.* 9, 3.

⁴ Those who regard Hadrian as the creator of the 'permanent council' are in a difficulty here, for they can hardly suppose that the reform had already been carried out early in 118, before Hadrian got back to Rome.

⁵ Ps.-Dositheus, *Sent. Hadr.*, in Goetz, *Corp. Gloss. Lat.* III, 32; 'Vir clarissimus praefectus meus de ea re excutiet'.

⁶ Dio LXIX, 18, 3.

⁷ Howe, *op. cit.* 32, thinks that the jurisdiction of the praetorian prefects must have grown out of their presidency of the imperial *consilium*. I see no necessity for this.

⁸ The *consistorium*, on the other hand, does seem to function under the prefects, see *Cod. Theod.* I, 5, 4, 'in auditorio sacro apud auctoritatem tuam . . . negotium audiatur'.

⁹ *Dig.* 22, 5, 3, 3, from Callistratus, *Lib. iv de cognitionibus*.

¹⁰ PSI 1222 (vol. XI, 156) = *Arch. für Papyrusforschung* XIII, p. 115, ll. 21-5.

More important is to inquire briefly to what extent the arrangements made by Hadrian for control of the *ius honorarium* (whatever exactly they may have been) served their purpose. The text of the Edict was now fixed, unless the imperial *consilium* chose to alter it, though it appears that the praetor was still authorized to grant *actiones utiles* by analogy with those already contained in the text.¹ But interpretation was still free, and it looks as though the urge towards legal development, resisting bureaucratization, found its way into this new channel. Works of interpretation had been written on the pre-Hadrianic Edict,² but after the codification the most monumental works of the classical jurists were devoted to this very matter, as if they conceived it to be their principal task. Gaius produced his big treatise on the provincial edict and Pomponius his enormous commentary on the Edict proper, 'a sort of codification, a supplement to Hadrian's codification of the Edict itself'.³ Later the Severan generation added its contribution, with Paulus' *libri ad edictum* and the greatest work of them all, Ulpian's monumental commentary. By these the classical interpretation was settled, but the post-classical age did some revision and tampering. When Justinian came to publish the *Digest* he insisted that no commentaries should be written upon his new code, and complained expressly of what had happened to the Edict: 'alias autem legum interpretationes, immo magis perversiones, eos iactare non concedimus, ne verbositas eorum aliquid legibus nostris adferat ex confusione dedecus. Quod et in antiquis edicti perpetui commentatoribus factum est, qui opus moderate confectum huc atque illuc in diversas sententias producentes in infinitum detraxerunt.'⁴ Hadrian's efforts, it appears, did not save the *ius honorarium* from eventual confusion. In providing a suitable basis for imperial legislation he was probably more successful. The first collection of the texts of constitutions to be made, the *Codex Gregorianus* of 291, did not go back behind Hadrian, and although the real spate of imperial legislation begins with Antoninus Pius, that is doubtless because he had much more time, and a much narrower passion, for it than his predecessor.

¹ *Const. Tanta*, 18, 'ut si quid in edicto positum non invenitur, hoc ad eius regulas eiusque coniecturas et imitationes possit nova instruere auctoritas', clarified by the Greek version, Δέδωκεν, which runs: ὥς εἰ τι παρὰ τὸ διατεταγμένον ἀνακύψειν, προσήκόν ἐστιν τοὺς ἐν ἀρχαῖς τοῦτο πειρᾶσθαι διαίρειν καὶ θεραπεύειν κατὰ τὴν ἐκ τῶν ἡδη διατεταγμένων ἀκολουθίαν.

² See Schulz, *op. cit.* 189-203, to whose treatment the whole of the present paragraph is much indebted.

³ *Ib.* 192-3.

⁴ *Const. Tanta*, 21.

To sum up, Hadrian, in conformity with the grand tradition of Roman law, did not produce a radical innovation or establish a new organ of government. He adapted the existing institution, the old *consilium*, as gently as possible to serve new purposes; and his reform had a measure of success, but left plenty of room for subsequent development.

For the administrative, as against the legal, work of Hadrian's *consilium* there is not much evidence. The *amici* are said to have prevented him from abandoning Dacia, because Roman prestige could not afford to leave so many settlers to the mercy of the barbarians,¹ and Fronto makes the inexplicable comment that Hadrian and his *amici* could not manage the armies.² A number of advisers of Trajan, who were bitterly opposed to the new man and his new policies, were removed or deprived of their influence. But not all continuity was lost. Notable Trajanic figures are found in the service of Hadrian, such as Claudius Livianus (95), who had gone with Sura as a special commissioner to Decebalus, an old friend of the new emperor. He had been succeeded as *praefectus praetorio* towards the end of Trajan's reign by Attianus (1) and Sulpicius Similis (315), and these two were instrumental in securing the throne for Hadrian. Septicius Clarus (302) was another, the friend of Pliny and the man for whom Suetonius wrote his *Lives*; he became the colleague of the great Turbo (223) as praetorian prefect in 119, but was dismissed along with Suetonius at the empress's behest in 123. Turbo was one of the great men of his age, who began as a plain centurion and ended as praetorian prefect, a first-rate soldier and a modest man, and like his master a diligent legal administrator,³ so that it may have been he who started the tradition that the praetorian prefect should have an *ex officio* seat on the *consilium*.⁴

Iulius Ursus Servianus (191), Hadrian's brother-in-law, *cos. II* in 102 with Sura, *cos. III* in 134, who was executed at a very advanced age for opposing the emperor's dynastic plans; Annii Verus (22), *cos. III* in 126; Catilius Severus (83), *praefectus urbi* at the very end of the reign, who thought he was going to succeed Hadrian, these also are men who provided continuity between the two reigns. But Hadrian was a bad master to his servants; he grew suspicious of them in the end, and one by one they fell.⁵

¹ Eutrop. viii, 6, 2. Compare the prevention of Nero's scheme to abandon Britain.

² Fronto, *Princ. hist.* 205 f. (N) quoted by von Premerstein, *Das Attentat*, 4.

³ Dio LXIX, 18, 3.

⁴ See Appendix 3, p. 140.

⁵ SHA, *Had.* 15, 1-9. See also Heliodorus (44); Neratius Marcellus (234); Platorius Nepos (258); Publicius Marcellus (279); Sossius Senecio (309); Eudaemon (330); Ummidius Quadratus (356).

CHAPTER VI

FROM ANTONINUS PIUS TO SEVERUS ALEXANDER

THE results of the Hadrianic reform are apparent in the reigns of his successors. The professional nucleus of jurists is heard of as a body, and its activities result in a greatly accelerated flow of imperial *constitutiones*. In the second half of the century the term *consilium* begins to be found for the first time in the sense of 'the council', and although this need by no means imply fixed membership, it suggests that Hadrian's reorganization has opened a certain gulf—though not a large one—between the administrative and the judicial and legislative kinds of council, and that the latter are regarded in a somewhat more formal sense.¹

ANTONINUS PIUS

'Neque de provinciis neque de ullis actibus quicquam constituit, nisi quod prius ad amicos ret(ulit, atque ex eorum sententia formas composuit.'² Administrative matters are, of course, chiefly in point here, but they still shade off into legislation, for the word *forma*, though it can mean imperial decisions of any kind, is mostly connected with the text of laws and constitutions.³ Aristides has already been quoted for his description of the *amici* of Pius as τοὺς τῆς ἀρχῆς κοινωνοὺς,⁴ so that although the Augustan History has a suspicious fondness for the topic of *amici*, there is no reason to doubt the truth of its remark on this occasion. We are also informed that Pius behaved without formality to them and dined at their houses, that he patiently endured the plain-speaking of Homullus (331),⁵ and that, knowing well how to avoid losing his *amici*, he did not insist on their attending him at state banquets and on tour.⁶

¹ On some possible general developments during the second century, see Appendix 3, pp. 139-41.

² SHA, *Pius* 6, 11.

³ See *Thes. L.L.*, s.v., 1080-1. *Forma*=*formula*, and began as a term of private law (see its use by Pomponius in *Dig.* 1, 2, 2, 12); but for its wider meaning in imperial times, see *Cod. Just.* 6, 30, 22, 12, etc.

⁴ See Ch. III, p. 26.

⁵ SHA, *Pius* 11, 7-8.

⁶ Marcus, τὰ εἰς ἑαυτ. 1, 16, 2.

Since the century lacks a Tacitus, there is no specific example of this continuous advisory activity on the part of the *amici*, save one, but that of some importance. 'Cum sibi adesse finem vitae videret, vocatis amicis et praefectis ut successorem eum [*sc.* Marcum] imperii omnibus commendavit.'¹ This is the first of a series of cases of commendation of the 'heir-apparent' to the *amici*, which seems to have become a regular practice; it is the clearest possible manifestation of the principle of continuity of government and the means by which it could be secured, and in such a connexion one sees without surprise the praetorian prefects joined to the general body of the *amici*,² for upon them depended the reception of the new emperor by the troops.

It is in the legal field that the activity of Pius was most striking. Though unmilitary, he was far from inert, and he had a considerable body of legislation to his credit.³ 'Multa de iure sanxit', says his biographer,⁴ and gives a list of jurists, no doubt the nucleus of the council. They include Volusius Maecianus (358), friend and pupil of the great Salvius Iulianus, preceptor of Marcus and prefect of Egypt at the end of the reign; Vindius Verus (343); Ulpius Marcellus (354), probably the father of that well-known soldier whom Commodus sent to Britain, and two puzzling figures, Salvius Valens and Diabolenus. It would be astonishing if Iulianus himself were absent from this list, for his activity, already so fruitful under Hadrian, certainly continued well into the reign of Marcus; Hüttl suggests that his apparent omission is due to a copyist's error.⁵

Pius was celebrated for his passionate interest in judicial minutiae;⁶ a trait which his successor approved⁷ and imitated.⁸ But all that survives in the way of detail is an anecdote about a Smyrniote embassy to the

¹ SHA, *Marcus* 7, 3.

² L. L. Howe, *The Praetorian Prefect*, 19-20, notes that by the third century *praefectus* alone regularly meant the praetorian prefect, and the use is common in SHA, e.g. *Alex.* 26, 5; 31, 2.

³ See G. Haenel, *Corpus Legum*, 101-113, and W. Hüttl, *Antoninus Pius*, 1, 70-129.

⁴ SHA, *Pius* 12, 1.

⁵ Hüttl, *op. cit.* 1, 79 n. 23. The true reading may be 'Salvio (Iuliano, Fulvio) Valente'; L. Fulvius Aburnius Valens (154) did not rise high in the senatorial *cursus*, but he was a jurist, and it may have been he, though Groag thinks it was his father, who succeeded Iavolenus as head of the Sabinians. But there was a Salvius Valens, *Dig.* 48, 2, 7, 2, so caution is necessary. As for Diabolenus, he is presumably identical with Iavolenus. The Trajanic jurist Priscus can hardly have lasted so long, and this may be simply a mistake. The other possibility would be to identify him with C. Iavolenus... Scuppidius Verus (167), who had a distinguished senatorial career, but for whose activity as a jurist there is no evidence.

⁶ Dio LXX, 3, 3.

⁷ Marcus, τὰ εἰς ἐαυτ. 1, 16, 2.

⁸ Dio LXXI, 6, 1.

emperor which should have been led by the aged sophist Polemo. He died before the envoys set out, and they had to plead their case without his help; they made so poor a showing that Pius told them to return to Smyrna and find out whether Polemo had left a written brief amongst his papers.¹

It is important to attempt to identify the friends of Pius, who were τῆς ἀρχῆς κοινωνοί: of direct evidence there is almost none,² but on the analogy of what has gone before, certain categories of men are worth observing, *praefecti urbis*, recipients of second consulships, men who married into the imperial family and so on.

One of Hadrian's *amici*, according to his biographer, was C. Umidius Quadratus (356): it is doubtless his son, of the same name (355), who married a sister of the future emperor Marcus. The father-and-son tradition is strong in this age.

Three urban prefects are attested for the reign of Pius. Ser. Cornelius Scipio Salvidienus Orfitus (125) had been consul in 110; either he or his son shared with Iulianus the task of codifying the Edict, so by the time of his prefecture he was decidedly an elder statesman. Sex. Erucius Clarus (140) received in 146 the honour, exceedingly rare in that age, of a second consulship. He began his career as a protégé of the younger Pliny—he was a nephew of Septicius Clarus—and gained great military distinction under Trajan. In his latter years he was 'egregius vir, senatorii ordinis primarius', and a member of the circle which included Marcus Turbo and Fronto. There need be no doubt that here we have penetrated into the inner ring of governmental influence. The third urban prefect was Lollius Urbicus, the builder of the Antonine Wall (213); and the only other recipient of a second consulship was C. Bruttius Praesens (61), the father of a very important Marcan figure; the Bruttii Praesentes were a family of prime influence for an astonishingly long time.

Another member of Fronto's circle was C. Censorius Niger (86); his activities are mentioned in a letter to the emperor: 'postea ex tuis etiam iudiciis ei plurimum et honoris et auctoritatis accesserat.'³ Of Fronto himself (112) little need be said. To judge from the letters he was the

¹ Philost. *VS* 1, 25, 19.

² To this reign belongs the senator Plotius Sabinus (265), who had the 'salutatio secunda', *ILS* 1078. See above, Ch. III, p. 23.

³ Fronto, *ad Ant. Pium*, p. 165 (N). I am inclined to see here a reference to judicial activities, although Haines in the Loeb translation, having rendered these words 'from your courts', adds the suggestion that they might mean 'from your marks of approbation'.

closest of all Pius' *amici*, and like Iulianus a teacher and friend of Marcus and Verus.

The praetorian prefects also deserve notice. If the Augustan History is to be believed, they all received *ornamenta consularia*. Fortunately it is possible to name the two to whom, with the *amici*, Pius commended his successor: Sex. Cornelius Repentinus (123) and T. Furius Victorinus (158). The latter must not be confused with a yet more powerful Victorinus who will appear later. They had one remarkable predecessor in the office, M. Gavius Maximus (160), who held it uninterruptedly for twenty years, a right-hand-man of the regime.

There are, finally, three important proconsuls of Asia. Atilius Maximus (41) was called ὁ κράτιστος ἀνθύπατος καὶ φίλος ἡμῶν,¹ Vitrasius Pollio (275) married one of Pius' nieces, Annia Fundania Faustina, and was one of the *comites* of Marcus and Verus, and C. Iulius Severus (186), the consular from Galatia, was τῶν βασιλικῶν . . . δικαστῶν εἰς.²

Thus it is possible to form some notion, however incomplete, of the governing circle to whom Pius constantly turned. There are comings and goings: the old men who bring with them the traditions and policies of earlier reigns retire after a few years, and meanwhile new men are being trained within the circle, who will reach their maturity as counsellors of later emperors. Sons follow fathers, and the *amicitia* is strengthened, in specially favoured cases, by a marriage alliance.

MARCUS AURELIUS

Marcus followed closely the principles of his predecessor. 'Semper sane cum optimatibus non solum bellicas res sed etiam civiles, priusquam faceret aliquid, contulit.'³ He had also Pius' patience for minute details of law:⁴ the passage of his 'Meditations' in which he reflects that τὸ ζητητικὸν ἐν τοῖς συμβουλίαις is a quality he has inherited from his adoptive father is worthy of study for its train of thought.⁵ Marcus is speaking of the right treatment of *amici*; he is led momentarily on to

¹ See Ch. III, p. 23 n. 10.

² Aristid. L, 77 (K). Keil translates 'ex iurisconsultis in consilium Caesaris adsumptis', which I prefer to Groag's belief that it is a reference to the *ius gladii*; it should not be taken to imply that he was a *consiliarius* in the technical sense.

³ SHA, *Marcus* 22, 3.

⁴ Dio LXXI, 6, 1-2.

⁵ *Marcus*, τὰ εἰς ἑαυτ. I, 16, 2.

the sessions of the *consilium*, no doubt because that is their characteristic sphere of action, and then slips back to τὸ διατηρητικὸν τῶν φίλων.

His *cognitiones* are described by Dio,¹ who implies that he did not transact legal business on campaign. But he certainly took his *comites* with him, and his biographer refers to an 'oratio Marci . . . indita Mario Maximo, qua ille usus est apud amicos'.² The date of this is just after Cassius' revolt, and it is connected with the rebellious behaviour of Antioch, so that, if genuine, it must have been delivered during Marcus' pacificatory tour of the East in 176. It might have been a judgment in a *cognitio*, but is perhaps equally likely to have been an invention of Marius Maximus. At any rate, there was a mass of judicial business that had to be disposed of by other means. Marcus dealt with this much as Augustus had done, by handing much of it to the senate as a body, and much more to individual senators of consular and praetorian rank; in particular, the senate now handled appeals from the consuls.³

Doubtless also the judicial activities of the praetorian prefects in their own court increased from the same cause, though the remark of the biographer, 'habuit secum praefectos, quorum et auctoritate et periculo semper iura dictavit. usus autem est Scaevola praecipue iuris perito',⁴ clearly refers to the presence of the prefects on the imperial council under the presidency of the emperor himself. They were not on the whole jurists themselves: of the four who are known,⁵ Macrinus Vindex (218) and Bassaeus Rufus (58) were soldiers with a persistent reputation for low birth and ignorance, though they received high honours; and Tarrutenius Paternus (318), who was certainly a jurist, did not apparently hold the office until almost the end of the reign.⁶ Mommsen pointed out that praetorian prefects in fact play little part in the legal literature of the second century;⁷ they were therefore presumably by now included more or less *ex officio*.⁸ Bassaeus is present at a *cognitio* in an anecdote of Philostratus, which will be described in

¹ Dio, loc. cit.

² SHA, *Marcus* 25, 10.

³ *Ib.* 10, 1, 2 and 9.

⁴ *Ib.* 11, 10. Stein, *PIR*², C 681, appears to take the 'praefectos' of this passage to include Scaevola, who was *praef. vigilum* in 175. But 'autem' separates him from them—and they were not *iuris periti*. See also above, p. 67 n. 2.

⁵ Borghesi's remark is still true, *Æuv.* x, 64, n. 2, that in no reign is the list of praetorian prefects more obscure and incomplete than in that of Marcus. For the most recent list, see A. Passerini, *Le coorti pretorie*, 302–5.

⁶ On his fate, see Dio LXXII, 5, 1.

⁷ Mommsen, *StR* II², 990, n. 5.

⁸ See Appendix 3, p. 140.

greater detail in Appendix 4.¹ Nevertheless, Marcus Aurelius followed the Hadrianic rule excluding *equites* from the trials of senators,² which debarred, above all, the praetorian prefects from such proceedings. It seems likely that the lack of reference to a similar principle under Pius is due to the vagaries of the Augustan History, and that it was in fact regular in the second century.

'Capitales causas hominum honestorum ipse cognovit',³ says the biographer, and adds a note on Marcus' habit, inherited from Pius, of reducing legal penalties. But the sharply innovating tendency in legal matters, so characteristic of Pius, is much less marked in his successor, though he still had Iulianus to advise him at the beginning, and later Maecianus, Iulianus' pupil; the personality of the emperor is here stronger than the continuity of his counsellors, though it should be taken into account that Marcus had comparatively little time for legal reform.

The *Digest* records some cases in which a glimpse can be caught of the council at work. Scaevola (87), the principal jurist of the mid-century, who was later thought to have been a teacher of Papinian, reports a question of *fideicommissum*,⁴ and Ulpian Marcellus, Pius' old judicial adviser, a fiscal case of the year 166. In this the decision is first given in accordance with the precedent of a rescript of Pius, but, pressed on details, Marcus dismisses the entire council, spends some time in private reflexion, recalls the court and pronounces judgment in accordance with the 'humanior interpretatio'.⁵ Last comes a rescript of Marcus and Verus, 'ipso Maeciano et aliis amicis nostris iuris peritis adhibit'.⁶ The jurists are here not distinguished from, but called, *amici*, and they are evidently led by Maecianus, for Iulianus is spoken of as dead.⁷

It is at this point that direct epigraphical evidence for the *consilium* demands attention. The first inscription, much discussed, raises many problems and solves none, largely because of the disappearance of the

¹ Below, p. 144. Philost. *VS* II, 1, 28.

² SHA, *Marcus* 10, 6.

³ *Ib.* 24, 2. Should 'honestiorum' be read? It is under the Antonines that this distinction of persons first appears, e.g. *Cod. Just.* 9, 41, 11. G. Cardascia in *Rev. hist. de droit français et étranger* (sér. 4), XXVIII (1950), 305-37, 461-85, quotes (p. 471) as the earliest case the rescript of Pius, *Dig.* 48, 5, 39, 8.

⁴ *Dig.* 36, 1, 23 (22), pr.

⁵ *Ib.* 28, 4, 3.

⁶ *Ib.* 37, 14, 17, pr. Cf., for this informal way of referring to the *consilium*, *CIL* IX, 5420, 'adhibit utriusque ordinis splendidis viris', under Domitian (above, p. 49). This is an additional argument against any striking Hadrianic change.

⁷ Which gives a *terminus post* for the rescript: Iulianus was proconsul of Africa 166-7.

stone itself before the days of photography or accurate transcription.¹ The man recorded upon it was probably a member of an important family, the Sextii Africani, perhaps a grandson of the consul of 112. The technical problems are whether the emperor to be restored in line 9 is L. Verus or Commodus and whether the career is given in a 'top-to-bottom' order or vice versa, that is to say whether its stages are in chronological order or the reverse. If the record of Sextius' career started from the bottom, Seeck will be correct in supposing that he was on this *consilium* before his praetorship, and Dessau in restoring '[quaestor] provinciae Afr[icae]'. If it started from the top, which seems more likely² and has the support of Groag, he will have been praetor first. Cuq, indeed, seems to have held that 'praetor in consilio' go together and represent a new, permanent function; but absence of interpunction at this point cannot be pressed, especially where the original is lost and the transmission erratic, and where there is an utter lack of any conceivable parallel.

If the emperor concerned is Verus, the question arises of the relation between his *consilium* and that of Marcus. They certainly issued joint rescripts, such as the one that has already been quoted above, so when they were together in Rome they were presumably joint presidents of a single council. One may even suspect, in view of some remarks in the biography of Verus,³ that Marcus often presided in the name of both

¹ *CIL* vi, 1518:

T . SEXTIVS . T . F . VO	
M . VIBIVS . OVE	
SECVNDVS . LVC	
VESTINVS	
AFRICANI . CON	sularis viri
FILIVS . SALIV	s sodalis
HADRIANALIS . I	
PRAETOR IN CON	silio Imp.
CAESARIS . L . AVR	Veri Aug. leg. ('quaestor', Dessau)
PROVINCIAE . AFR	icae etc.

The most recent conjectures are those of Groag, who suggests (*RE*, Sextius 41): T. Sextius T. f. Vo[t(uria tribu)] | M. Vibius Quie[tus] (?) | Secundus L. Vo[lusius Torquatus] (?) | Vestinus | Africani con[sulis. . .] | filius; saliu[s] Collinus (or Palatinus); sodalis | Hadrianalis; 11[1 vir a.a.a.f.f.](?) | praetor in con[silio Imp.] | Caesaris L. Aur. [Veri (or Commodi) Aug.; leg. pro praetore (?)] | provinciae Afr[icae] etc.

See also Mommsen, *StR* 11³, 989 n. 3; *RE*, *consistorium* (Seeck), 928. Kunkel, *Herkunft*, 298 n. 631 suggests for line 8 'in con[tubernio]'.

² S. Brassloff, *Hermes* xxxix (1904), 627 and n. 1, gives reasons for the inadmissibility of a provincial quaestorship in a patrician career.

³ SHA, *Verus* 8, 9, though on the value of this source, and for a partly successful attempt to rescue the reputation of Verus, see P. Lambrechts, 'L'Empereur Lucius Verus', *L'Antiquité Classique* III (1934), 173-201.

of them. Nevertheless, when Verus went off on his own, he had a suite, which included *principes officiorum*,¹ and can hardly have been regarded as less in status than an imperial council, though no doubt the important work went on being done by Marcus in Rome. If Sextius was a member of this suite, he need concern us no further, except to note that being a senator and patrician he is not called *consiliarius*.

Two inscriptions combine to give the career of M. Aurelius Verianus Papirius Dionysius (53), who began as a *iuris peritus* and ended as a very powerful political figure;² he was prefect of Egypt in 188, and a bitter antagonist of Cleander (48), who had him reduced to the *praefectura annonae*; in revenge he brought about the downfall of Cleander, though he fell himself in the effort.³ The Greek inscription calls him σύμβουλος τοῦ Σεβαστοῦ: the Latin runs as follows: '... ducenario, praef. vehicul., a copiis Aug. per viam Flaminiam, centenario, consiliario Aug., sacerdoti confarreationum et diffarreationum, adsumpto in consilium ad HS lx m.n., iurisperito, Antiates publ.'

Here for the first time *consilium* is used without any doubt as a technical term for the imperial judicial council; and for the first time the salaried *consiliarius* appears. (Dionysius is introduced here because the early part of his career, and hence the existence of this office, must be put back into Marcus' reign.)

Two questions at once arise; should the *consiliarii* be assumed to go back to Hadrian, and what was their function and status? *Sexagenarii* were the lowest grade of the procuratorial hierarchy, and even the *centenarius* was only on the level of the average provincial procurator.⁴ Dionysius, who was apparently still a councillor as *centenarius*, had passed to higher things by the time he became a *ducenarius*, so that the former was probably the highest grade of salaried councillor in the second century. These civil servants, then, were small fry, humble *equites* with neither the social standing nor the influence of the great

¹ SHA, *Marcus* 8, 10 (reading 'assectatu' with Mommsen). See also below, p. 140. H.-G. Pflaum, *Les procurateurs équestres*, 68-71, rejects this passage, unjustifiably. Verus' *comites* tried to galvanize him into some activity, SHA, *Verus* 7, 6. (Incidentally, 'Sallustius noster, nunc Fulvianus' of Fronto *ad Ver.* II, 3, p. 131 (N); *ad am.* I, 19, p. 187 (N), probably a member of Verus' suite, and, *pace* Pflaum, his *ab epist.*, cannot count as an 'attested' *amicus*; there is no means of telling whether the phrase *amicis et comitibus* applies to him.) I should not be surprised if the true reading of line 8 of our inscription were IN COMitatu etc. One version of the text (*Cod. Barberini* xxx, see *CIL* ad loc.) did read an M for the dubious last letter. Cf. the 'ex comitatu imp. Domitiani Aug. Germanici' of *ILS* 270 and 'in comitatu principum retentus' of *Dig.* 29, 1, 43.

² *ILS* 1455, *IGRR* I, 135. *AE* 1938, no. 60 gives him the new name Verianus.

³ Dio LXXII, 13; 14, 3.

⁴ On salary grades see Hirschfeld, *Vb*² 435-7.

amici and the leading jurists, from whom they must be rigorously distinguished. On the other hand, they cannot have been mere officials of the *scrinia*, as Cicogna thought, for they were 'adsumpti in consilium'. Now Seeck had a theory that the *comes Augusti*—in his view there was only one at a time—was a jurist whose duty was to travel with the emperor in case he should ever need expert legal advice, and that in the second century the place of the *comes* was taken by the *consiliarius* with the same function.¹ This is in part manifestly absurd, but as to the *raison d'être* of the *consiliarius* he may well be right, though one might add the possibility that they were used to deal expeditiously with routine cases that did not require discussion by the more important members of the council, and to sit on the 'law-committee'. In numbers they were certainly few and far between; though there is no evidence that there was only one at any given time, there is nothing to suggest a large body. Papinian shows that they had a full-time job: 'iuris peritos qui tutelam gerere coeperunt in consilium principum adsumptos optimi maximique principes nostri constituerunt excusandos, quoniam circa latus eorum agerent et honor delatus finem certi temporis ac loci non haberet.'²

Cuq drew deductions of another kind from this inscription: he divided the new Hadrianic council into ordinary and extraordinary members, and the former class again into two grades, *consilarii* and *adsumpti in consilium*.³ This is a much too formal arrangement, and does not even cover all the cases, for the Hadrianic nucleus of principal jurists had, as will now be plain, nothing to do with the *consilarii*. And Dionysius' inscription gives no warrant for these two grades; it may indicate no more than a rise in salary for seniority. Finally, there cannot be said to be any positive evidence for regarding the *consilarii* as a Hadrianic invention, though if it was a question of a professional lawyer to travel with the emperor's suite, he was no doubt, in view of his peregrinations, more in need of such a functionary than his predecessors; on present evidence the question had better be left open.⁴

Mention must be made of some of the *amici* whom Marcus, like Pius, consulted about matters of every kind. He is said to have adlected

¹ *RE*, *comites* 626–7. ² Papinian in *Dig.* 27, 1, 30 pr. ³ *Mémoire*, 347–8.

⁴ Pflaum, *op. cit.* p. 64, thinks, without clinching reason, that Marcus established the *consilarii*. He also believes, like Cuq, in two grades of *consiliarius*, on the evidence of the Dionysius inscription. Elsewhere in his book, however, he gives ample confirmation of the possibility of 'avancer sur place', and I think that is the explanation in this case.

many of them into the senate¹ (which should not of course be taken to imply that none of them were senators to begin with), to have written letters to them in his own hand,² and to have been criticized for increasing court formality by not having them to dinner,³ which, if true, and taken in conjunction with his own belief that he was doing them a good turn by not insisting on their attendance at dinner,⁴ is an interesting example of the difficulty of pleasing everyone. The prefects and the jurists have already been mentioned; there is next a very important group of relatives of the imperial family, headed by Pompeianus (96), who was, as will be seen, the senior *amicus* at the time of Marcus' death, married his daughter Lucilla, and received a second consulship in 173 with Claudius Severus (98), who had also married a daughter of Marcus, κηδεστὴς τῶν θειοτάτων αὐτοκρατόρων.⁵ Vitrasius Pollio (275), an *amicus* of Pius, married Marcus' cousin and served as one of his *comites*; and C. Bruttius Praesens (62), the son of one of Pius' *amici* and himself *adlectus inter patricios* by him and *cos.* I as early as 153, became the father-in-law of the 'heir apparent' when his daughter married Commodus, and received a second consulship in 180.⁶

Cn. Iulius Verus (187), a soldier, had little space in his career for advising the emperor before his second consulship in 167 or 168, but after that he may well have devoted himself to quieter duties. Q. Iunius Rusticus (196), 'quem et reveritus est et sectatus, qui domi militiaeque pollebat. . . , cum quo omnia communicavit publica privataque consilia, cui etiam ante praefectos praetorio semper osculum dedit',⁷ was the man who turned Marcus into the paths of philosophy,⁸ *praefectus urbi* (hence the salutation before the praetorian prefects) and another one of the rare *coss.* II. Pertinax (163), the future emperor, was also an *amicus* of Marcus, and so finally was C. Aufidius Victorinus (43), a youthful friend of the emperor before his accession, who married Fronto's daughter. He was *praefectus urbi* at the end of Marcus' life and *cos.* II *ord.* with Commodus in 183. His power is attested by two passages of Fronto;⁹ he was an orator and jurist of the first rank, and ὑπὸ τοῦ Μάρκου ἐν τοῖς πάνυ τιμηθείς.¹⁰

¹ SHA, *Marcus* 10, 3.

² Dio LXXI, 36, 2.

³ SHA, *Marcus* 29, 7.

⁴ Marcus, τὰ εἰς ἑαυτ. I, 16, 2.

⁵ *Anc. Gk. Inscr. Br. Mus.* III, 2, p. 188 no. 539 (Hicks); Groag in *Wiener Studien* XXIV (1902), 261-4.

⁶ See also L. Antistius Burrus (23) and M. Peducaeus Plautius Quintillus (260a).

⁷ SHA, *Marcus* 3, 3.

⁸ Cf. the eulogy in τὰ εἰς ἑαυτ. I, 7.

⁹ Fronto, *ad M. Caes.* p. 75 (N), p. 80 (N) (cf. p. 200 (N)).

¹⁰ Dio LXXII, 11, 2.

The only specific statement about the activities of Marcus' *amici* is that of his biographer, that by 180 they had long been pressing him to abandon the Marcomannic war;¹ and the likelihood or otherwise of this will best be discussed in connexion with the reign of Commodus.

COMMODUS

Continuity of imperial policy had been maintained smoothly since the days of Hadrian, and the accession of the handsome and popular Commodus raised hopes that it would go on unchecked. The story of the accession is to be found most fully in Herodian.² On his deathbed at Vindobona, Marcus entrusted his son to the *amici*, hoping, apparently, that they would exercise an unofficial regency.³ As soon as he was dead they presented Commodus to the troops, and for a short time he allowed them to control affairs: ὀλίγου μὲν οὖν τινὸς χρόνου πάντα ἐπράττετο τῇ γνώμῃ τῶν πατρῶων φίλων, οἱ πανημέριοι συνῆσαν αὐτῷ τὰ βέλτιστα συμβουλευόντες.⁴ But presently he decided to call a retreat. He summoned an emergency meeting and said he wanted to go home; the great Pompeianus, ὃς πρεσβύτατος ἦν ἀπάντων, protested, but Commodus prevailed against the wishes of the *amici*, and the Marcomannic war was brought to an end by treaty. Nevertheless—apart, it seems, from this one rebellion—χρόνου μὲν οὖν τινὸς ὀλίγων ἐτῶν τιμὴν πᾶσαν ἀπένεμε τοῖς πατρῷοις φίλοις, πάντα τε ἐπράττεν ἐκείνοις συμβούλοις χρώμενος,⁵ and not until after that did he tread the primrose path.

The general picture of Commodus' haste, against advice, to end his father's wars is confirmed by Dio in Book LXXII, but it is very important to notice that all continuity was not broken at once. Indeed, it might be suspected, in view of the remark in the Augustan History that Marcus had for some time been holding out against the entreaties of his friends to return to Rome, that their resistance to retreat when proposed by Commodus was more *pietatis causa* than anything else; for there can be little doubt that this costly struggle was straining desperately the resources of the Empire.⁶

¹ SHA, *Marcus* 22, 8.

² Herodian 1, 4-8.

³ Cf. SHA, *Marcus* 27, 11.

⁴ Herodian 1, 6, 1.

⁵ *Ib.* 8, 1.

⁶ Commodus was, and has been ever since, censured for a betrayal; see J. M. Heer in *Philologus*, Suppl.-Bd. ix, Heft 1 (1901), 37; O. Th. Schulz, *Das Kaiserhaus der Antonine*, 185-7; *CAH* xi, 377 (Weber). Only Homo suggests that Commodus may have had a genuine conviction that Rome was not strong enough for the task, *Le Haut-empire* (in Glotz's *Hist. Générale*), 596. See also J. Morris in *Journ. of the Warburg and Courtauld Institutes* xv (1952), 37 and n. 5.

Confirmation of the fact that the Marcan *amici* were not thrust aside immediately is provided by the careers of some of them. Dio says that most of them were murdered, except Pompeianus, Pertinax and Victorinus,¹ but if Herodian is to be trusted there were still some unharmed in the last year of Commodus' life.² Victorinus fell from favour, but presumably not till after his second consulship with the emperor in 183: Commodus and Perennis planned to execute him, but he paid a call on the latter, taxed him with the plot and bade him carry it out—and neither Perennis nor his master dared to do so. Victorinus died a natural death, which, under Commodus, was a prerogative of the powerful. Another old friend of Marcus from the same circle was Seius Fuscianus (295), and he was *cos. II* in 188 and *praefectus urbi*; M'. Acilius Glabrio (4), *cos. II* with the emperor in 186, an honoured friend of Pertinax, had also been a servant of Marcus. As for Pertinax himself, who had been a protégé of Pompeianus and pursued a distinguished career as *eques* and senator under Marcus,³ though he had to lie low during Perennis' ascendancy, he reappeared after 185 and held even higher posts, including that of *praefectus urbi*. He was *cos. II* in 192. Another case in point is Bruttius Praesens, whose daughter Commodus married. She was, it is true, banished by Commodus on the ground of adultery and murdered, which may be taken as a sign of the fall from favour of Praesens; but this does not seem to have happened until 192 at least, and Crispina's brother, L. Bruttius Quintus Crispinus (63), was consul in 187. The great Pompeianus was, like Victorinus, unharmed. He retired into private life, and refused to emerge again. The tussle of Papirius Dionysius with Cleander, and his fate, have already been described; and there can be no doubt that, by the end of his reign, at least, Commodus had thrown away the apparatus of counsel and control built up over so long a period by his wiser predecessors.⁴

Of a judicio-legislative council nothing is heard, unless the 'Acts of Appian' are relevant.⁵ This piece of the 'Acts of the Pagan Martyrs', which Mommsen called the most lifelike picture extant of an imperial

¹ Dio LXXII, 4, 1 (e.g. the Quintilii (283a), ib. 5, 3-4).

² Herodian I, 17, 2, τοὺς μὲν γὰρ πρεσβυτέρους καὶ λοιποὺς πατρώους φίλους ἀποσκεύασσασθαι πάντας ἤθελεν.

³ See esp. Herodian II, 1, 4.

⁴ Ib. 10, 3.

⁵ P. Oxy. 33; von Premerstein, *Philologus*, Suppl.-Bd. XVI, Heft 2 (1923), 28-45. The Oxyrhynchus editors thought the emperor concerned was Marcus, but subsequent commentators agree that it is Commodus.

cognitio,¹ portrays in fact not the trial but the last hours of Appianus, gymnasiarch of Alexandria and possibly a relative of the historian, who has already been condemned to execution. He takes the opportunity to abuse the emperor roundly, is led away and then recalled, whereupon he asks whether it is the σύγκλητος that has ordered his recall or the λησιστάρχης, Commodus himself. His fate is not, and does not need to be, recorded. It appears that the emperor is sitting, and in line 15 that a consul is present, but the problem is the reference to the senate. Some have supposed it to be a loose way of speaking of a συμβούλιον mainly composed of senators, but von Premerstein regards this as impossible, and maintains that Appian must have been tried—dramatically, at any rate—before the full senate presided over by the consuls, of whom Commodus was one. If he is right, as he may well be, one may conjecture that some such arrangement as this took the place of a judicial *consilium* in Commodus' later years as it had done in Domitian's.

PERTINAX AND THE CIVIL WARS

Of this period there is little to say. Pertinax's regime bears a resemblance to Nerva's; it was a committee of elder statesmen. Pompeianus indeed did not emerge from retirement, but Acilius Glabrio seems to have done; he received great honour from Pertinax for refusing to take the throne—there seems not to have been much to choose between their qualifications, as old men who had seen the better days of Marcus. Flavius Sulpicianus (152), another Marcan consular and Pertinax's father-in-law, was made *praefectus urbi* (this is the man who was presently to be Iulianus' rival bidder for the Empire). Aemilius Laetus (12), the praetorian prefect, who had served Commodus in the same office, was a true successor to Perennis and Cleander. He is said to have prevented Commodus from burning Rome;² but he was instrumental in his assassination, and tried to do the same to Pertinax when he found that the old man did not intend to be his tool. We hear of the *amici* in general only as regular dining-companions of the emperor; they seem all to have been hearty trenchermen.³

As for the policy of Pertinax, two things deserve mention. He did not find it necessary to change Commodus' administrative personnel,⁴

¹ Mommsen, *Strafr.* 265 n. 1.

³ SHA, *Pert.* 12, 3–7.

² SHA, *Comm.* 15, 7.

⁴ *Ib.* 12, 8.

but he seems to have returned (if indeed Commodus had departed from them) to regular judicial sessions with a *consilium*.¹

All the contestants in the ensuing civil wars had their following of *amici*; Herodian provides examples of the advice of Iulianus' φίλοι,² and those of Albinus.³ But when Septimius became master he destroyed them all ruthlessly,⁴ except such as could be of service to him.

SEPTIMIUS AND CARACALLA

The Severan period has always been regarded as the age of the great prefects, when Rome's most noted jurists of all time were appointed *praefecti praetorio* and dominated the imperial council. So much is undeniable, but until recent years it was generally thought in addition that the council, after this Severan 'reform', continued to be headed by a jurist-prefect throughout the third century. This view has been exploded by Durry and Howe,⁵ who insist that more than half the prefects recorded in that century were soldiers, not lawyers; indeed, the age had much more pressing need of the former. The age of the jurist-prefects revolves round two mighty names, Papinian and Ulpian, and a third of scarcely less importance, Iulius Paulus.

The predominant influence of the *praefecti praetorio* in administrative and judicial councils alike was nothing new; but they had not on the whole been jurists themselves. It was a step in the rationalization of imperial institutions to effect a fusion of prefect and jurist, and so to draw together again the functions of the council which had been drifting apart. But the new principle was not applied until the appointment of Papinian in 205; and Septimius had already had one great prefect, Plautianus, who was no jurist.

The new emperor was a conscientious legal administrator; once his seat was firm, ἐτῶν οὐκ ὀλίγων ἐν τῇ Ῥώμῃ διέτριψε, δικάζων τε συνεχῶς καὶ τὰ πολιτικὰ διοικῶν.⁶ The *Digest* is not unfruitful of examples of the working of his judicial council, because Paulus, who was a member of it, recorded cases in which he had taken part in his *Libri decretorum*, scraps of which were incorporated in Justinian's

¹ Herodian II, 4, 1.

² Ib. II, 8.

³ Id. III, 5, 5-6.

⁴ Liquidation of Iulianus' *amici*: SHA, *Sept.* 8, 3; those of Niger: Herodian III, 4, 7; those of Albinus, including Flavius Sulpicianus: ib. 8, 2 and 6; Dio LXXV, 8, 3-4 (but not all).

⁵ L. L. Howe, *The Pretorian Prefect*, 3, 4 et alibi, who refers to Durry, *CP* 161.

⁶ Herodian III, 10, 2; cf. 13, 1.

compilation.¹ In 4, 4, 38 pr. there is a difference of opinion over a question of sale involving a *pupilla*, in which the emperor, judging on appeal, decides the case against the judgment of Paulus. What other jurists were present, and what their views were, he does not relate. A similar account is in 32, 27, 1, also from Paulus; here the emperor decides 'humanius interpretari', and in 36, 1, 76 (74), 1, for the sake of *aequitas* he overrides all the jurists and reverses a decision of Marcus. He is again overriding juristic opinion in 14, 5, 8, this time in order to uphold a ruling of his *praefectus annonae*. Finally, 49, 14, 50 gives a more extended picture, and mentions one or two more of the jurists who made up the professional part of the council. Papinian is the leader here, and Septimius accepts his opinion, which is shared by the *advocatus fisci*, Messius (229). A third figure is Claudius Tryphoninus (100), who was a notable lawyer of the period; his function in the present case is to suggest amendments. Paulus himself (180) was one of the most prolific writers on the law; he and Ulpian were both members of Papinian's *consilium* when he was a praetorian prefect.

The council continued to include equestrian *consiliarii*. Ulpian, in reaffirming the right of certain civil servants to exemption from the duty of *tutela*, on the ground that they are 'circa principem occupati', mentions the *consiliarius* Arrius Menander (33), of whom nothing else is known except that he wrote four books *de re militari* under Septimius and Caracalla.² There are two inscriptions to add to this. One is the record of the brief career of an *eques*, one Postimius Romulus, who held the post of *consiliarius Augustorum* immediately after two subordinate procuratorships, and probably never rose above the class of *sexagenarii*. He was *procurator ad bona damnatorum*, an office which, as Seeck pointed out,³ probably belongs to the Severan proscriptions, so that the *Augusti* will be Septimius and Caracalla.⁴ To this time may belong some Greek hexameters from Epidaurus, dedicated by the city to a certain Bassus, θεῶν βουλευαίων ἀνάκτων.⁵ But the chronology is difficult, because the ἀνακτες might be Marcus and Verus, Marcus and Commodus, Septimius and Caracalla, or any two or more successive emperors. Nor does prosopography help. Besides the present Bassus (60) there was one, ὁ κρᾶτιστος, to whom Galen dedicated his work Περὶ τῶν ἰδίων βιβλίων at the end of his life, about 189; another Bassus

¹ All the participants in these discussions are jurists; this looks rather like the 'law committee' at work.

² Ulpian in *Dig.* 4, 4, 11, 2. See Appendix 3, p. 139 and n. 3.

³ *RE*, *consistorium*, 928.

⁴ *ILS* 1423.

⁵ *IG* IV, 1475.

was dismissed from the *praefectura urbis* by Septimius when he set out to deal with Niger,¹ and a Bassus was one of the *amici* of Septimius and owed great wealth to him.² What, if any, is the relation between the four is a matter of conjecture, except that the equestrian *consiliarius* cannot be the same man as the *praefectus urbi*.³

So much discussion of jurists might lead to the supposition that the Severan council was composed of nothing else: this would be a great mistake (though the possibility of a special 'law committee' should be borne in mind);⁴ in fact there is excellent evidence that its composition was exactly the same as it had always been. Cassius Dio, for example, seems to have served upon it with some regularity after his first consulship,⁵ and a passage already quoted above⁶ shows that the distinction between the judicial and administrative sessions in which he took part was a very slight one; for Caracalla would announce that he was intending 'to hold a judicial session or deal with some other piece of public business'. When Septimius set out from Eburacum on his Scottish campaigns he left Geta in the province behind him, δικάσοντά τε καὶ τὰ πολιτικά τῆς ἀρχῆς διοικήσονται, δούς αὐτῷ συνέδρους τῶν φίλων τοὺς πρεσβυτέρους.⁷ It would be hard to imagine a prettier example than this of the relation between justice and administration and the essential connexion of the *amici* with both.

While Caracalla and Geta were still in Britain after their father's death in 211, they were already at cross purposes; their mother and the *amici* worked hard to reconcile them,⁸ but in vain. When they returned to Rome, the tension grew. It appears that, though each had his own circle of *amici*, they held joint judicial sessions, in which no doubt the *amici* joined to form a single *consilium*.⁹ In the end they decided to divide the Empire, and this serious step necessitated the calling of a council: συναγαγόντες δὲ τοὺς πατρώους φίλους, τῆς τε μητρὸς παρούσης, ἤξιον διαιρεθῆναι τὴν βασιλείαν. The proposal was greeted with an uncomfortable silence by the *amici*, but Julia Domna was not afraid to speak her mind; their Empire they might divide, but how were they going to divide their mother? Πάντας δὲ οἴκτου καταλαβόντος

¹ SHA, *Sept.* 8, 8.

² *Ep. de Caes.* 20, 6.

³ See *PIR*², B 76, 86, 87; Hirschfeld, *Vb*², 340 n. 3. It seems not unreasonable to connect Galen's friend with the man dismissed by Septimius, and the *consiliarius* with the *amicus* whom he enriched, but cf. Barbieri, *Albo*, 26.

⁴ See below, ch. VIII, pp. 113-14, and elsewhere.

⁵ Dio LXXV, 16, 4; LXXVI, 17, 2.

⁶ Ch. III, p. 28.

⁷ Herodian III, 14, 9.

⁸ Ib. 15, 6.

⁹ Id. IV, 4, 1.

διελύθη τὸ συνέδριον ἢ τε σκέψις ἀπεδοκιμάσθη.¹ The additional interest of this passage is that we know not only the attitude of the *amici* to the question of partition and their anxiety for a reconciliation, but even the identity of some of those who tried to secure it. Papinian himself is said to have fallen for this very reason,² and Fabius Cilo (141) nearly suffered the same fate;³ Aelius Antipater (6), the sophist, who was tutor to Caracalla and Geta, wrote the former a strong letter after Geta's murder⁴—and it may have been this that forced him to commit suicide.

Dio himself was a close companion of Septimius and Caracalla; an air of personal reminiscence comes, even at second hand, through the epitomes and fragments of his last books, and makes his brief remarks about Caracalla's attitude to his council and counsellors of the greatest value. He says that this emperor's great error was in being self-opinionated, καὶ διὰ τοῦτο οὔτε τινὶ συμβούλῳ ἐχρῆτο καὶ τοῖς χρηστόν τι εἰδόσιν ἐφθόνηι.⁵ He ἐδίκασε. . . ἢ τι ἡ οὐδέν.⁶ He tended to keep his *amici* waiting for council sessions that did not take place, as we have seen; and it was as dangerous to be an *amicus* of him and his father as it had been in Domitian's day—they both executed on suspicion.⁷

It is an oddity of history that from the reign of a man who 'hardly ever sat in judgment' there should have survived the only unassailably genuine official report of an imperial *cognitio* that has so far come to light. This is the new inscription from the temple of Dmeir, between Damascus and Palmyra,⁸ some aspects of which will be discussed in Appendix 4. There did indeed exist in the *Codex* the preamble to a pronouncement of Caracalla: 'Imp. Antoninus A. cum salutatus ab Oclatinio Advento et Opellio Macrino praefectis praetorio clarissimis viris item amicis et principalibus officiorum et utriusque ordinis viris et processisset oblatus est ei Iulianus Licinianus. . . . Antoninus Augustus dixit', etc.⁹ This is an important list of those who took part in the *salutatio*: the prefects and *amici* are by now familiar; a further *ex officio* element has appeared on the council in the shape of the heads of bureaux,

¹ Ib. 3, 5-9. See L. Perret in *Rev. des études historiques* LXXXVIII (1922), 445-58.

² SHA, *Car.* 8, 2-4.

³ Ib. 4, 5.

⁴ Philost. *VS* II, 24.

⁵ Dio LXXVII, 11, 5.

⁶ Ib. 17, 1.

⁷ SHA, *Sept.* 15, 4; Dio LXXVII, 5, 5.

⁸ It was uncovered in 1934, but not published until 1942-3. *AE* 1947, no. 182 gives a partial text; for the full text, with photograph and preliminary commentary, see P. Roussel and F. De Visscher, *Syria* XXIII (1942-3), 173-94.

⁹ *Cod. Just.* 9, 51, 1. There is obviously something wrong with the text, but I quote it without Krueger's suggested emendations, because it will now have to be established by comparison with the new inscription—though curiously enough the two copies of that do not agree with one another and are themselves in a similar confusion.

who, having long ceased to be freedmen, can take their place on it as of right; and there are the mysterious 'men of both orders', possibly possessors of the *salutatio secunda* who attend the levée but not the council.¹ Of professional jurists there is no specific mention.

After its preamble, the passage in the *Codex* has no further relevance to the present subject; but it is far otherwise with the new inscription. Of the early part of this there are two copies, but one of them does not go far beyond the preamble. The other, the longer of the two, begins thus: 'Sabino et Anulino cos., [vi] Kal. Iunias, Antio[chia], Imp. Caesar] M. Aurel. | Antoninus Pius Fel. Aug. Par. max. Brit. max. Ge[rm. max.] cum sal. a praef. praet. | e.v. item amicis et princ. officor. (sic) sed. in aud., admitti iussit Aur. Carzeum...'.² In essentials it provides admirable confirmation of the formula in the *Codex*, especially in the absence of any mention of jurists, or even of *consilarii*; if they come in at all they must be subsumed under the *amici*. It records, in Latin, the admission of the plaintiffs and defendant and their advocates, and then the latter begin an argument on procedure, reported *verbatim* in Greek. It is a complicated wrangle as to the competence of the emperor's tribunal to hear the case at all, carried on with an air of *insouciance* as if the emperor were not there. The first column of the text breaks off while this debate is still in progress; but column 2 begins with the intervention of Caracalla, who remarks with some impatience (line 27), ἴδε οὖν ἵνα ἐγὼ τῇ ἐμαυτοῦ γνώμῃ τι εἰπῶ καὶ ἐν τοῦ|τω τῷ [πρ]άγματι.³ Strictly speaking, perhaps, the case should not have come before him; but does the defendant not wish him to hear it now that he is here? The advocate hastens to assure him that he does, and Caracalla continues (line 32), ἐγὼ εἰ ἔσπευδον ἐντεῦθεν | ἀναστῆν[αι], ἔλεγον· ἡ παραγραφή χώραν ἔχει ('the demurrer is successful—the action does not lie'). | ἐν τίσιν οὖν μέφομαι;⁴ The counsel for the plaintiffs thereupon says politely that he will not take half an hour, and launches into his exordium in the approved rhetorical manner with a

¹ I suggest this because they are the one group that does not appear in the Dmeir text; in Rome the emperor would have others besides the essential councillors at his *salutatio*, but abroad, in intervals of campaigning, he would only have his suite.

² The 'short' copy begins (for comparison with the *Cod.* and the 'long' copy):

'Sabino et Anulino cos., v[i] Kal. Iunias, Antioch(iae), | Imp. Caes... | ...Germ. Max. cum | salutaris a praef. pr. ee. vv. | item amicis et principibus (sic) officiorum (sic) cum sedisset in au|ditor. admitti iussit Aurel. | Carzaeum...'. The date is 27 May, A.D. 216.

³ *Sic.* The datives have apparently no iotas.

⁴ Which may mean 'in what respects, then, am I criticized (i.e. for hearing a case when I have time)?' But see the commentary of De Visscher, *op. cit.* 188-9.

τόπος on the εὐσέβεια of the emperor and some preliminary abuse of the defendant. And there the decipherable part of the stone ends.

Were this document not so patently genuine—set up by an obscure Syrian community to record their success, for no doubt they were successful, in a suit before the emperor himself, and copied from the *commentarii* of the proceedings—it might be suspected of being a delicate satire. The figure of Caracalla, secure in his authority but patient and easy-going, throws a light not only on his own character but on the much-praised patience of other emperors when sitting in judgment,¹ and the tone of the dialogue may cause some revision of views about the *a priori* improbability of some of the scenes in the 'Acts of the Pagan Martyrs'.

It remains to introduce some of the *amici* of Septimius and Caracalla. Continuity with the Antonine age was not altogether lost, but civil war and proscription on the one hand and the temperamental difference of the new African emperor on the other had reduced it to very little. Plautianus (156), the first great prefect and 'vizier' of Septimius, came from Africa like his master. He was a second Seianus, and Dio's chapter on him is eloquent of his influence and unpopularity.² He was the father-in-law of the young prince Caracalla, 'necessarii Augg. et comitis per omnes expeditiones eorum'.³ He fell in 205, and was succeeded by Papinian (15), who is said 'amicissimum fuisse imperatori Severo. . . et huic praecipue utrumque filium a Severo commendatum'.⁴ The practice was still current, then, of commending the heirs to the *amici*; their attempts to reconcile the brothers were a duty imposed on them by the dying Septimius. Papinian was removed from his place of honour and power by Caracalla in 211 and executed in 212: his successors were Oclatinus Adventus (238), a soldier, and Macrinus (241), the jurist who was later to seize the throne.⁵

The author of the *Epitome de Caesaribus* mentions some of Septimius' *amici*.⁶ P. Cornelius Anullinus (110), after a long and distinguished senatorial career under Marcus, defeated Pescennius Niger for Septimius in 194. He was later *praef. urbi* and *cos. II* in 199. More important is Fabius Cilo (141); he and Papinian were wise enough not to cry over spilt milk once Geta had been murdered, and so Caracalla returned to the palace 'innitens Papiniano et Ciloni'.⁷ Dio writes that τὸν Κίλωνα

¹ See De Visscher, *op. cit.* 192, and below, Appendix 4.

² Dio LXXV, 14-16.

³ *ILS* 456.

⁴ SHA, *Cara.* 8, 2-3.

⁵ Not his immediate successors, perhaps; see Howe, *The Pretorian Prefect*, 72-3.

⁶ *Ep. de Caes.* 20, 6.

⁷ SHA, *Cara.* 3, 2.

τοσοῦτον ἡγάπα ὁ Ἀντωνῖνος ὥστε εἰπεῖν ὅτι 'οἱ τούτῳ ἐπιβεβουλευκότες ἐμοὶ ἐπιβεβουλεύκασιν',¹ though at one time Caracalla attempted to do away with him and only saved him at the eleventh hour because of a public outcry.² T. Sextius Lateranus (303) was another of Septimius' generals, a member of a great patrician family and a *comes* of the emperor, and possibly related to the T. Sextius Vestinus (304) who was a member of the *consilium* of Verus or Commodus (the Laterani and Africani were almost certainly connected, and the influence of successive generations of these families on the government was clearly great); whether he continued to serve Caracalla after 211 is not known. As for the Bassus mentioned by the *Epitome*, something has already been said about the problem of identifying him.

Epigraphical material is rich for the *amici* and *comites* of this period. Licinius Rufinus (208), consular and φίλος τοῦ Σεβαστοῦ, was a pupil of Paulus and wrote an important legal treatise, *Regulae*. Suetrius Sabinus (312), whom Dio mentioned as an *amicus* of Caracalla,³ appears epigraphically as a *comes Augusti*;⁴ he was consul in 214 (de Ruggiero wrongly gives 224, and in consequence assumes him to have been a *comes* of Alexander).⁵ With him Dio couples C. Iulius Septimius Castinus (185), another of Septimius' soldiers, who was a friend of Caracalla and suffered for it when Macrinus became emperor. Others are M. Antonius Iuvenis (24), Aelius Coeranus, the first Egyptian to receive a consulship (7), Iulius Pacatianus (179), Iulius Alexianus (171), Lollianus Gentianus (211), Ovinus Tertullus (243) and Aelius Antipater (6), the tutor of the princes, described as ὁ φίλος μου καὶ διδάσκαλος in an edict of Caracalla promulgated between 200 and 205. Finally, Dio mentions a certain Flavius Maternianus (150),⁶ who had control of the troops in Rome at the end of Caracalla's reign; Herodian says he was πιστότατος φίλων and the emperor's most intimate confidant,⁷ but nothing further is known about him, save that his efforts to unseat Macrinus led to his own downfall.

Never had the *amici* been more influential. The Severan contribution to imperial government, as is well known, consisted in a further *Gleichschaltung* and militarization, and as a consequence the whole administration of the Empire came more and more, in detail as well as in outline, within the sphere of the emperor's personal decision, and hence of his council's activity.

¹ Dio LXXVII, 5, 1; but perhaps this should be Septimius; see Boissevain's ed. ad loc.

² Id. LXXV, 4, 2-5.

³ Id. LXXVIII, 13, 2.

⁴ *ILS* 1159.

⁵ In *DE* II, 472.

⁶ Dio LXXVIII, 4, 2.

⁷ Herodian IV, 12, 4.

SEVERUS ALEXANDER

The Macrinus-Elagabalus episode can be neglected, not for lack of evidence, for there are scraps which concern *amici* and their use and treatment,¹ but because in the serious business of governing the Empire it is a mere lacuna. The biography of Alexander in the Augustan History with all its problems has indeed attracted much more attention to his reign than its small historical importance warrants, but at least with men like Ulpian and Dio we return to serious administration. To *consilia* and *amici*, as to most things, there is a mass of references in the *Vita*, raising a corresponding mass of problems and confusions. It will not do to dismiss them *en bloc* and out of hand; they must be examined on their merits. But in view of the dubious historical value of the entire work,² the only reasonable course is to look first at the evidence of the other sources, and to regard with suspicion anything that conflicts with the testimony of Dio and Herodian.

Alexander succeeded to the throne at the age of thirteen. The power behind it was his mother, who established for him a council, for which Dio (indirectly) and Herodian both provide evidence. Dio says that she surrounded her son with wise men for the good of his character, *καὶ τῆς γερουσίας τοὺς ἀμείνονας συμβούλους προσείλετο, ἅπαν πρακτέον κοινουμένη αὐτοῖς.*³ Herodian is more specific:

καὶ πρῶτον μὲν τῆς συγκλήτου βουλῆς τοὺς δοκοῦντας καὶ ἡλικίᾳ σεμνοτάτους καὶ βίῳ σωφρονεστάτους ἑκκαίδεκα ἐπελέξαντο συνέδρους εἶναι καὶ συμβούλους τοῦ βασιλέως· οὐδέ τι ἐλέγετο ἢ ἐπράττετο εἰ μὴ κάκεῖνοι αὐτὸ ἐπικρίναντες σύμψηφοι ἐγένοντο.

This reform, he adds, delighted the people and the army and the senate, as a reaction from the tyranny of Elagabalus.⁴ It seems not to have been

¹ See, for example, Herodian v, 1, 8; 5, 6; 7, 6; SHA, *Heliog.* 11, 2-5; 15, 3; *Max. Duo*, 4, 9.

² I accept Dessau's famous 'cast-iron' demonstration of what the Augustan History is not (*Hermes* xxiv, 1889, 337-92); as to what it is, neither his view nor any of the multifarious others seems fully acceptable, though I incline to that of N. H. Baynes, *The 'Historia Augusta', its date and purpose*, 57-67; 118-44. His thesis, which has met with powerful but not unanimous support, is briefly that this *Vita* was the kernel of the whole collection, published as propaganda for the Emperor Julian, and that in reading this adumbration of the ideal prince, the reader was intended to see the figure of Julian behind the name of Alexander. It will not be imagined, in any case, that the author was much concerned with the truth of his facts (though he may have had better sources for some of the lives than used to be supposed).

³ Zon. 12, 15, p. 571 (=Dio, ed. Boissevain, III, 477, fr. 2. Boissevain is prepared to accept this passage as deriving from Dio).

⁴ Herodian vi, 1, 2.

generally noticed that there is another reference in Herodian to this body, and that of the highest importance. At the beginning of his account of Maximinus he says:

εὐθέως οὖν τοὺς τε φίλους πάντας, οἱ συνῆσαν τῷ Ἀλεξάνδρῳ συνέδροι τε ὑπὸ τῆς συγκλήτου βουλῆς ἐπιλεχθέντες, ἀπεσκευάσατο.¹

This implies, contrary to what is often maintained, that the senate did have a part in the choice of these advisers of Alexander, and that, 'regency council'² though they may have been, they were functioning throughout his reign to the end.

Such was the nature of Alexander's senatorial council, with certain resemblances to the committee of Augustan times, but two essential differences; there is no sign that it was confined to preparing the business of the senate, nor that it worked on any system of rotation. We must consider what its real power and influence were, and whether it stood on its own at all, or was a group, a section, within a wider and more normal council of *amici* (in which case it would approximate very closely not to the Augustan but to the Tiberian *consilium*). And these two questions are interconnected.

Dio remarks that upon the accession of Alexander Ulpian was given the praetorian prefecture and τὰ λοιπὰ τῆς ἀρχῆς πράγματα:³ this at once puts the council of senators in its proper perspective. It was not intended to initiate policy; Ulpian was *de facto* head of the government, and Alexander 'eius praecipue consiliis rem publicam rexit':⁴ but to secure the ratification of measures by these elderly and respectable persons was an excellent token of sobriety after the aberrations of Elagabalus. However, it is necessary to go further. It can hardly be doubted that the *Vita* is right in making both the great jurists, Paulus (180) and Ulpian (136), members of Alexander's council, at any rate for judicial purposes,⁵ so that the sixteen senators, if they took any part in this sphere of affairs, certainly did not form the whole council: and the same conclusion is suggested in the political sphere by Herodian's assertion that when Alexander was faced with an Eastern crisis, τὰ μὲν

¹ Id. vii, 1, 3. It is doubtful whether the second τε should be bracketed as redundant, for the construction may be a loose ellipsis for τοὺς τε φίλους οἱ συνῆσαν... τοὺς τε συνέδρους... οἱ συνῆσαν.

² The phrase is Hirschfeld's, *Vb*², 339 n. 3.

³ Dio lxxx, 1.

⁴ SHA, *Alex.* 51, 4.

⁵ Ib. 26, 5: Ulpian is called *consiliarius* of Alexander, but this cannot be in the technical sense—his position in the equestrian *cursus* was too high.

οὐν πρῶτα ἔδοξεν αὐτῷ κοινωνοσάμενῳ τοῖς φίλοις πρεσβεῖαν πέμψαι.¹ There is no hint here of a special body; the senatorial councillors are subsumed in the general council of the φίλοι. It seems reasonable, therefore, to suppose that the sixteen senators were not a separate council on their own, but only an important section of the full council.²

The proposals of Dio in the Maecenas speech to Augustus have been described in an earlier chapter,³ where it was argued that they bore little or no relation to the practice of the Augustan age. It remains to consider whether they reflect that of Dio's own period, the reign of Alexander in fact, or whether they are ideas of his own, put into Maecenas' mouth as a political tract for the times.⁴ To begin with, the two proposals are not altogether compatible with one another. The first of them envisages, as the functions of its council of ἄριστοι, legislation, war policy, the choice of governors and the decision of rewards and punishments; but this latter must be some kind of judicial competence, and it presently appears that the second body, quite different and with a peculiar, partly changing membership of its own, is to be responsible for judicial affairs. Of this second council, indeed, an exclusively judicial body, with its ἄλλοι ἄλλοτε and general air of a training school for administrators, there is no sign in the sources, and its failure to specify such practicalities as professional jurisconsults or *consilarii* betrays it as a suggestion of Dio's rather than a reflexion of contemporary facts.

This raises a presumption that the same is true of Maecenas' first proposal. Nevertheless, the omnicompetent council, whose work is to be done *in camera*, but its decisions given full public acknowledgement without further ado, is very like the ordinary council of *amici* as it had in fact by now developed, especially since the emperor's legislative right had long been fully recognized. So it must be confessed that Dio is here making a suggestion that would not have startled his contemporaries, though again an omission—he makes no mention of senators chosen by the senate to serve on the council, doubtless because with his autocratic leanings he did not approve of such an arrangement—

¹ Herodian vi, 2, 3.

² Perhaps the σοφοί of Zonaras (see p. 86 n. 3, above) were not simply 'professors', but the other members of the council, the carefully chosen *amici*.

³ Ch. II, p. 18.

⁴ On this view of the Maecenas speech in general I agree with P. Meyer, 'De Maecenatis oratione a Dione ficta' (Diss. Berlin, 1891), whose position is not much shaken by M. Hammond in *TAPA* LXIII (1932), 88–102. But Meyer did not go into the problem of the *consilium* in sufficient detail.

makes this also more probably a theoretical proposal than an estimate of the historical development of the council.

The Augustan History purports to give information on the following points: (i) The principal jurists (Paul and Ulpian, no doubt) and the *principes scriniorum* prepared business (which, as was seen in Chapter III, the emperor dealt with after 'morning prayers'). (ii) A mass of legislation was passed in a huge council of at least seventy with a quasi-senatorial procedure (the *Vita* knows nothing of Herodian's council of sixteen senators). (iii) Military experts and historians were added to the usual council when matters of war were under discussion.¹ (iv) Paul and Ulpian were the mainstays of the council, and prevented Alexander's scheme for the regimentation of all ranks and professions by distinctive uniforms.² (v) An elaborate list is given of members of the council, of whom, apart from the two great jurisconsults, only one, Catilius Severus, is identifiable at all.³ (vi) The prefects were made senators, 'ne quis non senator de Romano senatore iudicaret'.⁴ (vii) Alexander only gave men senatorial rank on the recommendation of the 'summi in Palatio viri'.⁵ (viii) The gentle, good emperor brutally mutilated the clerk of the council for falsifying the record.⁶ (ix) But he treated all his *amici*, chief secretaries and the rest with exemplary good nature, bestowed gifts on them,⁷ had the *amici militares* (hard drinkers!) to dinner,⁸ and visited, when they were ill, not only those of the first two grades but even those lower.⁹

Some of this farrago is obviously fiction. A test case is the list of unknown councillors: this has a number of counterparts in the Augustan History, which is fond of ranks of bogus names; and its concluding reference to 'amicitia ista sancta' and its importance in securing the good government of the Empire is the counterpart to a homily on bad *amici* in the biography of Aurelian,¹⁰ where the anachronism (eunuchs and so forth) is apparent. The mention of 'summi in Palatio viri' is equally anachronistic, couched in the terminology of the

¹ For all the foregoing, SHA, *Alex.* 15, 6-16, 3. A. S. Hoey in his commentary on the *Feriale Duranum*, in YCS VII, 37, thinks that the remark about military experts points to a military council, responsible for such things as the army calendar, and that the existence of such a body is corroborated by Herodian VI, 1, 4. Herodian is there talking only about appointments to civil and military posts in general, but there may have been a military committee of the *consilium*, see below, Ch. VIII, p. 114.

² SHA, *Alex.* 27, 2.

³ *Ib.* 68, 1.

⁴ *Ib.* 21, 3-5.

⁵ *Ib.* 19, 3.

⁶ *Ib.* 28, 3.

⁷ *Ib.* 39, 5.

⁸ *Ib.* 39, 1.

⁹ *Ib.* 20, 1.

¹⁰ SHA, *Aur.* 43, 'amici praeterea improbi, satellites detestandi, eunuchi avarissimi...'.

late Empire; and the story of what the biographer presumably regarded as Alexander's salutary severity consorts ill with his alleged mildness of temper, though which is in this case the truer it would be hard to say.

But the crux of the matter is whether the council of seventy is to be believed in. Might this be the privy council of the Maecenas speech after all, or perhaps the total forces of the council when *amici* and jurisconsults and sixteen senators were all assembled together? One positive argument for its being fiction was adduced by Baynes, following Lécivain: the 'non minus quinquaginta' added to the twenty *iuris periti* are a reminiscence of a text in the Theodosian code dating from 356.¹ The 'protection of interests of senate' *motif* is in fact one of the recurrent themes of the Augustan History. Nevertheless, Dio and Herodian provide evidence that the senate's interests *were* protected in some way, at least in appearance, in Alexander's reign. Clearly this huge council cannot have initiated legislation or policy, but merely confirmed it—hence the possibility of formal procedure on senatorial lines and official recording of the transaction—and this is not what Dio was proposing through the mouth of Maecenas, for he is at pains to make his privy council the real organ of government, and emphasizes that it must deliberate quietly and efficiently in complete secrecy. But though it is not supported by any evidence, direct or indirect, of Dio or Herodian, and though it labours under a strong *a priori* improbability, which is not lessened by the fictional nature of parts of its context, the Augustan History's council of seventy cannot be rejected outright. It may contain a kernel of genuine information about Alexander's council as it worked in practice,² which would go far to explain the bureaucratically minded Dio's anxiety to suggest modifications.

Ulpian (136), the greatest of the *amici*, was sacrificed by the powerless Alexander to the forces of disruption in 228. Of other *amici* there is little of interest to say. Appius Claudius Iulianus (93) was *praefectus urbi* and *cos. II ord.* in 224 with L. Bruttius Crispinus, the son of Commodus' brother-in-law. Other *cos. II* were Marius Maximus (226), the historian, in 223 and Clodius Pupienus Maximus (102), the future emperor, in 234. There is in Herodian an account of a rebellion against Maximinus led by a certain Quartinus (282), an *amicus* of the dead Alexander, but most of the little other information about this man comes

¹ Baynes, *op. cit.* 126; *Cod. Theod.* 6, 4, 9.

² Cf. Jardé, *Études*, 22–26.

from the grossly unreliable parts of the Augustan History. C. Caesonius Macer Rufinianus (73) was a *comes* of Alexander; his son, as will be seen, was one of the props of the regime of Gordian III. But from the point of view of the present study the most important of Alexander's *amici* was Cassius Dio (80), not only because he is in himself a first-rate example of the career of an imperial adviser spanning the reigns of a whole dynasty of emperors, but because, like Seneca, he was articulate—he had views on government and expressed them, and they have survived. In the year of his second consulship, 229, he was only saved from the fate of Ulpian for his unpopularity by retiring to his native Bithynia to write history, but for about three decades he had seen the government of the Empire from the inside.

CHAPTER VII

THE THIRD CENTURY AND DIOCLETIAN

WHATEVER unusual patterns of council had been formed in the reign of Alexander, they did not survive it. It would be idle to expect the period of military anarchy to produce much of interest in this connexion. Continuity of government there clearly was none, but there were, in the midst of the troubles, occasional attempts (as under Gordian III and Gallienus) to govern effectively in the traditional way, making use of the best advice available. And the sources yield an occasional reference which, for the sake of completeness, it is worth while bringing into view.

Maximinus, a Thracian with little Latin, was naturally greatly dependent on his *amici*, especially since he had dismissed the advisers of Alexander.¹ Thus, he is found consulting them in a crisis, τοῖς φίλοις περὶ τοῦ πρακτέου κοινοῦμενος,² and they compose a military harangue for him.³ The Augustan History describes a council of war in the field: 'alia die admissis amicis, qui eum videre non poterant sed tacebant, et qui factum senatus tacite laudabant, consilium habuit, quid facto opus esset. de consilio ad contionem processit.'⁴ As to the identity of these people, there is only one figure of whom anything substantial can be said; Vitalianus (350) was Maximinus' praetorian prefect, φίλτατόν τε ὄντα καὶ καθωσιωμένον τῷ Μαξιμίνῳ.⁵ It was upon him that the conspiracy raised against Maximinus in Africa was first concentrated, and in fact he was assassinated in the judicial council-chamber.⁶ After the death of the Thracian usurper, the fate of his *amici* was sealed; when the Augustan History says that 'eius praefectus praetorio occisus est cum amicis clarioribus',⁷ the biographer is probably thinking of Vitalianus.

¹ Herodian VII, 1, 3. The implication of this passage is that if Maximinus had been anything but a miserable tyrant, Alexander's *amici* would have expected to continue in the service of his successor.

² Ib. 8, 1.

³ Ib. 8, 3, ἐπιφερόμενος τὸ βιβλίον ὅπερ ἦσαν αὐτῷ συντάξαντες τινες τῶν φίλων, ἐξ ἀναγνώσεως ἔλεξε τοιάδε.

⁴ SHA, *Max. Duo* 17, 6. Cf. also 9, 5; 9, 8; 17, 4; 23, 7.

⁵ Herodian VII, 6, 4.

⁶ Ib. 6, 6.

⁷ SHA, *Max. Duo* 23, 7.

Great efforts were made in the reign of the boy Gordian III to pull the government together, and it has been plausibly suggested that such members of the Committee of Twenty as survived will have played a large part in this movement.¹ The main responsibility, however, fell upon Timesitheus (157), who rose directly from a Gallic procuratorship to the prefecture of praetorians, and whose daughter married Gordian in 241. He may well be compared in power with Seianus and Plautianus, but his influence was more beneficent: 'non puerile iam et contemptibile videbatur imperium, si quidem et optimi soceri consiliis adiuuaretur et ipse pro pietate aliquantulum saperet.'²

Others who may be supposed to have helped Timesitheus are Rufinianus (72), the son of a distinguished *comes* of Alexander, who was proconsul of Africa under Gordian and 'electus ad cognoscendas vice Caesaris cognitiones'; L. Egnatius Victor Lollianus (138), a very senior statesman, who seems to have governed Asia *extra sortem* for more than ten years; and Valerius Valens (333), of whom all too little is known, but who as *praefectus vigilum* carried on one side of Timesitheus' duties at Rome while he was away in charge of the military welfare of the Empire. In fact there was a sharing out of functions, for the future Emperor Philip was vice-prefect, and seems to have had some connexion with the legal side of the prefect's competence, since later on the Pseudo-Aristides says that when he came to the purple his legal training was so great that he needed no advisers in matters of law, but hit upon the correct judgments himself.³ The celebrated Skaptopara inscription,⁴ though it nowhere explicitly mentions the *consilium*, deals with a case which must have gone before that body.⁵ One of its professional members seems to have been Herennius Modestinus (164), who was 'non contemnendae auctoritatis' and a jurist of some note.

Of Philip's reign there is little to say. Trajan Decius (230) was probably one of his *amici*; they arranged with Gordian the terms of Philip's accession.⁶ The *Codex* quotes a constitution of Philip, 'Imp.

¹ See P. W. Townsend, 'The administration of Gordian III', *YCS* iv (1934), 63: 'The character of his early acts points to the advice of sound statesmen who had the interests of the Senate and the Roman people at heart.'

² SHA, *Gord.* 23, 7 (read perhaps 'pro aetate' or 'pro parte'). Cf. also 31, 1; 32, 7.

³ Ps.-Aristid. εἰς βασιλ. (K. II, no. 35) 17-18. (See Howe, *The Pretorian Prefect*, 79.)

⁴ *IGRR* I, 674.

⁵ See the interesting remarks of F. Preisigke, *Die Inschrift von Skaptoparene* (Strassburg, 1917), 50-54, who emphasizes that the council dealt equally with legal and administrative matters, and suggests that it divided into committees, which is likely but not very firmly demonstrable; for what can be said on the subject, see below, Ch. VIII, pp. 113-14.

⁶ SHA, *Gord.* 30, 7. Cf. 29, 6.

Philippus A. cum consilio collocutus dixit...';¹ the time-honoured phrase which Roman magistrates in their judicial function had always employed.

Decius himself seems to have made constant use of the advice of Valerian (210), whom he ἐπὶ τῇ τῶν πραγμάτων διοικήσει προσείλετο, and who may well have been at the back of what is usually called Decius' persecution of the Christians.² Similarly Valerian's own persecutions were said by Dionysius, bishop of Alexandria, to have been undertaken at the instigation of Fulvius Macrianus (155).³

There is, for some reign at any rate not earlier than Valerian's, the *consiliarius* inscription of a certain Caecilius Hermianus (64). He was an *eques*, and at some period of his career a special commissioner or *curator*—ὁ μὲν ἐν δήμοις ὄρχων πέλεν ἐκ βασιλῆος | ἵππικός—and also δουκηνάριος ἐπὶ συμβουλίου τοῦ Σεβαστοῦ.⁴ Salaries had risen all round; more and more senior equestrian officials were entering the 300,000 HS. grade which had once been the exclusive preserve of the praetorian prefects. So Hermianus was probably no more important a figure than his second-century counterparts who were only *centenarii*. Nevertheless, he did well, for his son and grandson reached the senate.

For the proceedings of Valerian's council all the evidence that exists is a long and elaborate list of the imperial suite at a session in the baths at Byzantium, given by the Augustan History; and unfortunately that is entirely bogus.⁵ Another of the forged documents with which the work abounds purports to be a letter of Gallienus describing the future Emperor Claudius as an *amicus*;⁶ no less fictitious is the extraordinary suggestion that Postumus was so close a friend of Gallienus that the latter entrusted his son to him in Gaul, 'quasi custodi vitae et morum et actuum imperialium institutori'.⁷ It is doubtful whether any greater credence can be put upon a curious remark about Gallienus, that he 'matronas ad consilium suum rogavit isdemque manum sibi osculantibus quaternos aureos sui nominis dedit';⁸ and the only relevant

¹ *Cod. Just.* 7, 26, 6. Cf. the *consilium* of the proconsul of Africa a few years later in W. Hartel, *Opera Cypriani* III (*Corp. Script. Eccl. Lat.* III, 3), *Acta proconsularia* § 4, p. cxii.

² Zon. XII, 20; cf. SHA, *Val.* 5, 4, Valerian 'in procinctu cum Decio tunc agebat'. H. Schiller thought this meant some kind of civil Caesarship, but the evidence hardly supports such a view. On the nature of the Decian 'persecution', see the remarks of H. Last in *AJP* LXI (1940), 85-7.

³ *Ap. Euseb. Hist. Eccl.* VII, 10, 4-9.

⁴ *IGRR* III, 179 (and for the career, nos. 146 and 205).

⁵ SHA, *Aur.* 13, 1. See Howe, *op. cit.*, appendix F, pp. 116-17.

⁶ SHA, *Claud.* 17, 2.

⁷ *Id. Trig. Tyr.* 3, 1.

⁸ *Id. Gall. Duo* 16, 6.

matters for his reign that can be relied upon are the details of the career of L. Petronius Taurus Volusianus (257). He was consul with the emperor in 261, and later *praef. urbi*: Groag believes it may well have been he who inspired and assisted the 'contemptible prince' to struggle so gallantly to hold what could be held together.

The two or three references to councils under Aurelian are not helpful in determining their precise nature. One story is found in two versions: it tells how Aurelian collected all the chief men and held a βουλή to inquire on what principles he should rule. Someone (whose identity is not mentioned) told him to use the iron hand, and was the first to be struck down by it.¹ Dexippus has another story about a σύλλογος to receive the submission of defeated Vandals, followed on the next day by a council of the entire army, called upon to express, by shouting, its views as to the continuance or termination of war.² Groag suggests that Aurelian began by consulting the generals in important matters, and that it was his abandonment of this practice that led to his assassination.³ The evidence seems hardly strong enough to imply any departure from the normal practice (in which many of the chief advisers would be military men in any case), but the murder of Aurelian by a conspiracy of his *comites* in the field is well attested by Lactantius: 'falsa quadam suspicione ab amicis suis interemptus.'⁴

The biographer declares that the future Emperor Tacitus advised Aurelian on sumptuary legislation.⁵ More important are the careers of two men, Flavius Antiochianus (149), whose wife was descended from Marcus Aurelius' sister,⁶ and Pomponius Bassus (272). The latter, who had been *princeps senatus* under Claudius II, was *cos. II ord.* with Aurelian himself in 271, and there is an inscription recording a certain Pomponius Bassus which makes him *praef. urbi* and κομ(ῆς) βα[σ]ιλ(έως).⁷ Whether this is the same man is a problem which, besides being interesting in itself, has important ramifications. Mommsen showed the difficulty of equating the two, which is due to the fact that the chronographer of 354 does not include a Pomponius Bassus in his list of urban prefects.⁸ If the chronographer is right, the Bassus of the inscription must have been *comes* and *praef. urbi* in the earlier half of the century; and this is the view adopted by Seeck, in support of his

¹ *FHG* IV, p. 197, a fragment probably of Peter the Patrician; *Zon.* XII, 27.

² *F.Gr.Hist.* 100, F. 7.

³ See *RE*, Domitius 36, 1412.

⁴ *Lact. de Mort. Pers.* 6, 2; cf. *Eutrop.* IX, 15.

⁵ *SHA, Tac.* 11, 6.

⁶ See the *stemma* in *PIR*² I, p. 130.

⁷ *CIL* VI, 3836.

⁸ See *Eph. Ep.* I, 139-40.

contention that the title *comes* was abolished after Severus Alexander,¹ and only revived by Constantine.

Seeck's theory about the *comites* has become dogma.² But in the first place Mommsen, though admitting the difficulty, did not abandon the equation of the two Pomponii; and in the second place it must be remembered that there are one or two fragmentary or undated *comes* inscriptions which might well belong to the mid-third century,³ so that dogmatism is out of place, especially as no good reason has ever been advanced why, in that predominantly military age, when the emperors were for ever campaigning, the institution of *comites* should have been abandoned. The view of Seeck has become bound up with another, namely that when the human *comites* cease the divine ones begin. But the divine *comes* has much more complex roots than is usually supposed,⁴ and since their implications are different there is nothing impossible about the contemporaneous existence of both human and divine *comites*. On the whole, therefore, there is not good enough reason for thinking that the *comites* were ever abolished.

DIOCLETIAN

The role of Diocletian in creating what is commonly called the 'dominate' has been variously estimated owing to a general paucity of evidence. Cuq treated Diocletian's council at length in his monograph, regarding him as the author of such vital changes in its composition as to lead directly to the *consistorium* of the fourth century. He has been generally followed, in particular by the latest scholar to handle this whole complex of problems, W. Seston,⁵ who quotes him as a prime authority on the subject. As in the case of Hadrian's effect on the *consilium*, a re-examination of the scanty material will serve to modify somewhat the conclusions that have been drawn.

Codex Justinianus 9, 47, 12 purports to be a joint constitution of Diocletian and his fellow-Augustus, with a preamble as follows: 'Impp. Diocletianus et Maximianus AA. in consistorio dixerunt...'. But it stands quite isolated, and the new name, *consistorium*, does not re-

¹ See *RE*, *comites*, 627.

² See, for example, A. Piganiol, *L'Empire chrétien*, 312, who excogitates ingenious reasons for the reintroduction of the title by Constantine.

³ E.g. *CIL* v, 5811; vi, 37057; viii, 11810 (see Barbieri, *Albo*, 338-9); 16809. On the Bassus problem see Barbieri, *op. cit.* 303-4.

⁴ See A. D. Nock in *JRS* xxxvii (1947), 102-16.

⁵ In *Dioclétien et la tétrarchie*, 1, *Guerres et réformes* (1946), 344-5.

appear until the time of Constantius.¹ Some maintain² that there may have been a period in which the two names jostled for primacy; so indeed there may, but the evidence of the rest of the terminology gives no support to any name but *consilium* in the Diocletianic period. Diocletian certainly introduced the custom of *adoratio*, but even if he also made his counsellors stand, which may have been so, though it is not proved by the passages adduced by Ensslin, it does not follow that the name of the council was at once changed. Cuq and Hirschfeld are probably right, therefore, in supposing that the text in the *Codex* is a scribe's over-hasty expansion of 'in cons.', and it is advisable to beg no questions and keep the term 'consistory' for the fully developed mid-fourth century institution.

The council does not, then, undergo any change of name in Diocletian's time; but does it change its nature? Lactantius describes the discussion that led to the great Christian persecutions:

Placuit ergo amicorum sententiam experiri. Nam erat huius malitiae: cum bonum quid facere decrevisset, sine consilio faciebat, ut ipse laudaretur; cum autem malum, quoniam id reprehendendum sciebat, in consilium multos advocabat, ut aliorum culpa adscriberetur quicquid ipse deliquerat. Admissi ergo iudices pauci et pauci militares, ut dignitate antecedeant, interrogabantur. Quidam proprio adversus Christianos odio inimicos deorum et hostes religionum publicarum tollendos esse censuerunt; et qui aliter sentiebant, intellecta hominis voluntate vel timentes vel gratificari volentes in eandem sententiam congruerunt.³

This is unmistakably the traditional process still in being. A question arises and a meeting is called, of a few jurists and a few generals;⁴ the council is quite unstereotyped in numbers or organization, and the whole affair is described—as it always had been—as 'sounding the opinion of the *amici*'. Behind Lactantius' insistence on the loose and arbitrary way in which so grave a matter was dealt with, there may well lie the *arrière-pensée*, 'This is the sort of thing that went on under the wicked persecutors, but *now* we have a proper organization'.

Moreover, it appears that the professional *consiliarius* is still in being.

¹ In *ILS* 1243, a dedication to Memmius Vitrasius Orfitus.

² Especially W. Ensslin, in *CAH* XII, 389 and, more recently, in *RE*, Valerius 142, 2453.

³ Lact. *de Mort. Pers.* 11, 4-6. We know of one man who advised the persecution: Sossianus Hierocles (165) was 'auctor et consiliarius' of it, *ib.* 16, 4.

⁴ Cf. Alexander's 'amici militares' in the amusing passage, *SHA, Alex.* 39, 1. In *de Mort. Pers.* 14 it appears that the *iudices* were 'magistri in palatio'. *Iudices* and *militares* are Ammianus' usual terms for civil and military officials respectively.

The direct evidence for this, it is true, comes from the Augustan History, 'mirabile fortasse videtur quod compertum Diocletiano Asclepiodotus Celsino consiliario suo dixisse perhibetur, sed de hoc posterius iudicabunt';¹ and posterity's verdict upon it is in fact unfavourable, for Celsinus is probably a fiction,² and Asclepiodotus, to whom the anecdote is attributed, though real enough himself, probably did not write the historical work which the Augustan History likes to use as a stalking-horse.³ But Lactantius' 'iudices' sound like the *consiliarii*, called in for expert advice on the legal implications of a possible Christian persecution, and two important inscriptions mention what is generally taken to be the same function under a different name, a *consiliis* or a *consiliis sacris*.⁴

The former of these, which was the basis of Cuq's argument for a reform of the imperial council, must be quoted entire:

Dogmatii . . . | Honori | C. Caelio Saturnino v.c. | allecto petito senatus inter | consulares, comiti d.n. Constantini | victoris Aug., vicario praefecturae | urbis, iudici sacrarum cog., vicario | praef. praetorio bis, in urbe Roma | et per Mysias, examinatori per Italiam, praefecto annone [sic] urbis, ratio[n]ali private [sic], vicario summae rei | rationum, rationali vicario per | Gallias, magistro census, vicario | a consiliis sacris, magistro studiorum, magistro libellorum, duce[n]ario a consiliis, sexag. a consiliis | sacris, sexag. studiorum adiutori, | fisci advocato per Italiam, | C. Fl. Caelius Urbanus v.c. | consularis, patri.⁵

Cuq's thesis is roughly as follows: Saturninus is the holder of a new office, that of *vicarius a consiliis*, which implies that he has superseded the praetorian prefects in their function as vice-presidents of the council.⁶ This is the intermediate step which leads to the predominance of the *magister officiorum*, whose prototype the *vicarius a consiliis* may be said to be, in the fully developed *consistorium* (of which the prefects are only extraordinary members).

Now in the first place it is not clear why the *vicarius a consiliis* should be regarded as a deputy of the prefects. During his career Saturninus was deputy of a number of people: as *vicarius praefecturae urbis* he was

¹ SHA, *Aur.* 44, 3.

² See *RE*, Celsinus 3 (Seeck).

³ See *RE*, Asclepiodotos 5 (Seeck).

⁴ *ILS* 1214, 1459.

⁵ On this career, see A. Segrè, 'A note on the classes of Roman officials in the age of Diocletian', *TAPA LXXIV* (1943), p. 108 n. 28. The terms *ducenarius* and the rest have quite different meanings from 297 onwards; so the early part of Saturninus' career must precede that date.

⁶ Seston deduces a deliberate policy of undermining the all-too-extensive power of the prefects.

deputy of the urban prefect; as *vicarius summae rei rationum* he was deputy of the financial secretary; as *rationalis vicarius per Gallias* he was deputy of the *rationalis* in Gaul. When he did act as deputy of the praetorian prefects he was called unequivocally *vicarius praef. praetorio*. It seems to follow that as *vicarius a consiliis* he was deputy of the *a consiliis*. This conclusion is supported by a paper of A. Stein,¹ in which he quoted Cledonius to show the distinction between a *vicarius* and a *vices agens*; it is the latter who assumes temporarily a particular function of the officer whose deputy he is, while the former is a regular deputy of the office as a whole.

This view involves positing an *a consiliis* so to speak *par excellence*, separate from, and presumably at the head of, the *ducenarii* and *sexagenarii a consiliis*, which is indeed a novelty, but does not go unsupported by evidence and may be pre-Diocletianic, as will presently be suggested. As to the influence of the prefects on legislation, it is necessary to emphasize yet again Howe's conclusion, that the third-century prefects whose identity is known at all were not generally lawyers: the age of the great jurist-prefects dictating legislation at the head of the imperial council was over at least after Gordian. Consequently by Diocletian's time there was in this respect no change to be made. It is, of course, true that the *praefecti praetorio* in the fourth century were not regular members of the *consistorium*; but for this suffices the simple explanation that from Constantine's time they became viceroys of great regions, and often had no direct day-to-day connexion with the court at all.

The second inscription bearing on this matter reads as follows:

Q. Axilio | Urbico | viro | perfectissimo, | magistro | sacrarum | cognitionum, | a studiis et | a consiliis Augg., | Aquileienses | publice | patrono | praestantissimo | d.d.

This is both the confirmation of the existence of an *a consiliis* and the first extant mention of the *magister sacrarum cognitionum*. Cuq argued² that, since the title *a consiliis* in place of *consiliarius* seems, to judge from Saturninus' inscription, to be a Diocletianic innovation, the institution of the *magister sacrarum cognitionum* can with little hesitation be attributed to the same emperor. This may be right, but some caution is called for, because the only post-Severan evidence for a *consiliarius*,

¹ A. Stein, 'Stellvertreter der *Praefecti Praetorio*', *Hermes* LX (1925), 94-7.

² Cuq, 'Le *magister sacrarum cognitionum*', *Études d'épigraphie juridique*. De quelques inscriptions relatives à l'administration de Dioclétien, II, 136.

that of Hermianus, calls him δουκηνάριον ἐπὶ συμβουλίου, which might well represent *ducenarius a consiliis*, and is in strong contrast with the next earliest case, Bassus, who is βουλαῖος, which clearly stands for *consiliarius*. Hermianus' inscription may belong to any part of the second half of the third century, and so that of Urbicus may equally be pre-Diocletianic.¹

Be that as it may, the post of *magister sacrarum cognitionum* is shown by this inscription to have been no very important one. Urbicus is only a *perfectissimus*, which had never been more than an equestrian title of the second rank and, though still above the *ducenarii*,² was becoming of small worth; and the *a consiliis* must be of lower, or (at most) equal, standing. *Magister sacrarum cognitionum*, in fact, is only a new name for the first-, second- and third-century post of *a cognitionibus*, the head of a minor bureau which seems to have been concerned with the office work involved in running the *cognitiones*.³ This, then, gives a measure of the status of the professional councillors; they are now, as Cuq rightly called them, no more than 'modest functionaries', filling household posts that a man holds before proceeding to the major steps of a public career. But if the argument of the preceding chapters is right, they had never been anything else, so that here again Diocletian is not responsible for any significant change. The most that can be said to have happened is that the body of professional jurists upon the council has been given a more formal organization; its senior member is now the *a consiliis*, with a regular deputy, and the rest are ranged in their traditional salary-grades below him.⁴ Of any more fundamental change than this initiated by Diocletian there is no evidence.

A difficult question remains, about which diverse views have been taken: was there more than one *consilium* under the tetrarchy? Cuq suspected that there were four; Costa said there was no unassailable reason for positing more than one, or at most two—one for each of the Augusti.⁵ The arguments used have been mostly concerned with the

¹ Hirschfeld, *VB*², 330 n. 3, is more circumspect than Cuq; 'the title *magister* seems only to make its appearance after Caracalla, so the Augusti [viz. of the Urbicus inscription] will be at earliest the Philippi'.

² For an indication of this hierarchy in Constantine's time, see *Cod. Theod.* 8, 4, 3.

³ See *RE*, *a cognitionibus* (von Premenstein).

⁴ Cicogna thought of the *consiliarii* and the *a consiliis* as a regular imperial bureau. For this there is no positive evidence; nor is there any reason for supposing that their function was secretarial.

⁵ In *DE*, Diocletianus, 1821, 1825.

relative legislative competence of the members of the tetrarchy, and seem to be stultified by too rigid a notion of the form of the Diocletianic *consilium*.¹

It is to be noted first that Saturninus and Urbicus are not described as *a consiliis* of any single member of the tetrarchy; Urbicus is *a consiliis Augg.* (though this may, as has been suggested, be pre-Diocletianic). The partition of the Empire under Diocletian was not entire, not a division into completely autonomous areas. The Empire was still a unity, the tetrarchy an administrative convenience and a means of providing for the succession. Legislation was the prerogative of the senior Augustus, though the existence of joint constitutions shows that when the two Augusti were together they presided jointly over the council. But all four members of the tetrarchy had judicial powers, and were naturally empowered to take day-to-day administrative measures in their respective areas. The whole position is reminiscent of the arrangements made by Marcus and Verus, which were discussed in Chapter VI.

What does this state of things imply for the council? There is no reason, at any rate, to suppose the existence of more than a single legislative council, or more than one body of professional jurists; and this council will function wherever the senior Augustus happens to be. On the other hand, to get their everyday government running at all, the other three tetrarchs must have had their own *consilia*. They took with them their suite, their circle of *amici*; each of them may have had his own praetorian prefect,² and was in the usual position of a magistrate with *imperium*. All four councils would be called *consilia*, and all constituted *ad hoc* in the usual way; the only essential difference was the natural one of prestige, due to the overriding legislative and other powers of the senior Augustus. One may imagine that on great occasions such as the congress of Carnuntum in 307 there would be a mingling of all the advisers into a single council.

By way of conclusion, and in order to throw into relief the continuity of imperial councils from Augustus to Diocletian, by comparison with what was presently to take their place, a brief description may be given of the fully developed *consistorium* of the fourth and later centuries. It is what the *consilium* had never been, a regular, acknowledged organ

¹ Costa, for example, like so many others, calls it the *consistorium*.

² Seston is emphatic to the contrary, but tends to overstate his insistence on the non-territorial nature of the tetrarchs' division of labour.

of the constitution, a privy council in the fullest sense, whose competence extends to every branch of government—legislation and jurisdiction on the one hand, military and financial policy on the other. Its members are no longer a miscellaneous and unspecified collection of *amici principis*, but a fixed group of *comites intra palatium* (*comites intra consistorium*, *comites consistoriani*),¹ whom Ammianus frequently distinguishes from the *militares*. Four of them in particular, the *quaestor sacri palatii*, *magister officiorum*, *comes sacrarum largitionum* and *comes rerum privatarum*, are *ex officio* members; and it is necessary to observe that, in so far as the *consistorium* cannot be said to exist in its complete form until these four functionaries are present, that full and final development must be placed quite late, certainly long after Diocletian's time. In fact it is not until nearly the middle of the fourth century that the formal titles appear, though no doubt the offices were established and given to his *comites* by Constantine.

The *consistorium* was not completely rigid: outsiders could be called in for consultation—*praefecti praetorio*, *magistri militum in praesenti* and the like—when convenient. Its proceedings, which took place in an atmosphere of hieratic solemnity (the very place of assembly being called *sacrarium*), were reported by a college of notaries who, being thus intimately acquainted with state secrets, soon themselves became favoured candidates for the great offices at the head of the council.

This complete and radical change in the most influential body in the Empire was the work of Constantine, the revolutionary, who saw the Empire with new eyes. Diocletian, for all the changes he introduced, was concerned to bolster the existing structure;² Constantine built anew.³ Nothing is more characteristic of the 'medieval' atmosphere of the fourth century than the appearance for the first time of a formal, omnicompetent privy council in the Roman state. It is a negation of the whole historical past of Rome in its open acknowledgment of autocracy, and yet in actual working it probably differed little from the Augustan council. Ammianus describes an emergency

¹ On the terminology, see *RE*, *comites* 19, 644 (Seeck), though there are a number of obscurities and complications; see also P. Willems, *Droit public*, 554; *DE*, *comes* (Grossi-Gondi), 472–84; E. Stein, *Gesch. d. spätröm. Reiches*, 1, 169f.

² On Diocletian's 'conservatism', see C. E. Van Sickle in *Class. Phil.* xxvii (1932), 51–8 and *RE*, Valerius 142, 2475–9 (Ensslin).

³ 'Novatoris turbatorisque priscarum legum', the Emperor Julian *ap. Amm. Marc.* xxi, 10, 8.

meeting in the reign of Constantius, that calls to mind those of Nero and Domitian:

Hac mole casus inopini Constantio icto quasi fulmine fati primates consilio secunda vigilia convocato properarunt omnes in regiam. cumque nulli ad eligendum quid agi deberet mens suppetere posset aut lingua, summissis verbis perstringebatur Ursicini mentio . . . ; et per admissionum magistrum, qui mos est honorator, accito eodem, ingresso consistorium offertur purpura.¹

As in so many historical changes, it is the emphasis that is all-important; *then* it was upon the continuity of the old Roman institutions and the power of the emperor to influence them all through his *auctoritas* backed by the advice of experts; *now* it is upon the emperor's role as vicar of the one true God, assuring, with the help of those most competent to help, the continuance of the Empire. There is no more striking symbol of the essential difference between principate and dominate than the change from the *consilium*, an informal vehicle for the exercise of *auctoritas*, to the *consistorium*, a formal mouthpiece for the pronouncements of undisguised autocracy.

As for the change in the personnel of the imperial council, gradual as it was, there is one important sense in which it is central to the whole story of Rome's constitutional development. In a fully developed bureaucracy, as the later Empire was, the executive controls policy; in a state which is not a bureaucracy the executive carries out policy decisions made by others. The early Empire was a state of the latter kind; its principal policy-making body, the informal *consilium* of *amici principis*, was largely separate from the executive, and even when the civil service with its bureaux and officials grew up they had at first no connexion with the *consilium*, except in so far as individual officials might be *amici principis*. In the *consistorium* it is the heads of the civil service who are the permanent policy-makers; legislature, judiciary and executive are combined in the same hands, and the executive has won the battle for power. The stages of its progress in this struggle cannot be dated exactly;² but even if Hadrian's reign was not a turning-point, the *principes officiorum* were certainly in control by the time of the Severans. The establishment of the *consistorium* is one more sign of Constantine's clear-headed recognition and acceptance of his historical situation.

¹ Ib. xv, 5, 18. As for *amici* and their advice, see *Paneg.* v, 10, 3 (W. Baehrens), 'si consilium alicuius amici callidioris admitteres'; Eutrop. x, 9, 3; x, 15, 2.

² See below, Appendix 3, pp. 139-40.

CHAPTER VIII

ORGANIZATION

IN this chapter will be discussed three topics, most of the evidence for which has already been set out in the foregoing pages, but which call for a brief individual treatment; the terminology of the imperial councils, the places in which they met, and the procedure by which their meetings were ordered.

A study of the names by which imperial councils are referred to in different documents leads to this important negative result: during the whole period from Augustus to Diocletian they never had an official name. The phrase *consilium principis*, in particular, never occurs at all, though Papinian once speaks of 'in consilium principum adsumpti'.¹ That is why it is avoided in the present work. Numerous modern books use it as if it were as well attested and official a designation as, for example, *tribunicia potestas*; but this is to beg the whole question of the nature of the institution—'THE *consilium principis*' never existed. Here can be seen the most striking difference between the *consistorium* of the late Empire and what went before, for in the *consistorium* we have precisely, at last, an institution with a fixed designation.

This lack of an official title applies, in the first place, to Augustus' senatorial committee. Dio does not give it a collective name, but treats it as a group of σύμβουλοι, and Suetonius does the same to Tiberius' committee, chosen 'velut consiliarios in negotiis publicis'. The Augustan committee is called by Suetonius 'consilia semenstria', and the plural is sufficient to show that this is no regular title, but Suetonius' own phrase. More important, however, is the behaviour of the one relevant official document in this respect. The S.C. Calvisianum uses, indeed, the term ξυμβούλιον, but qualifies it with a circumlocution which would not have been necessary if there had been any regular term: ἐκ ξυμβουλίου γνώμης ὁ ἐκ τῆς συνκλήτου κληρωτὸν ἔσχεν. If by 4 B.C. the senatorial committee had not acquired a more precise title than this, it is not likely ever to have had one.

When the emperor sits with a body of advisers it is of course a *con-*

¹ Dig. 27, 1, 30 pr.

silium, just as in the case of other magistrates.¹ 'Cum consilio collocutus' is used once of the judicial council in an official protocol,² and 'in con[silio]' may be the reading of one inscription.³ For the calling of an administrative or political council, 'in consilium vocare' and the like have some currency,⁴ but the remarkable thing is the extent to which they are avoided and looser expressions used: 'consuluit inter primores',⁵ 'vocatis amicis et praefectis',⁶ συγκαλέσας τοὺς φίλους,⁷ κοινωσαμένων τοῖς φίλοις,⁸ μετὰ τῶν πρώτων⁹ and so on. Above all, the official documents seem to avoid the simple *consilium*, by two kinds of circumlocution. 'Adhibitis... splendidis viris' is the trick of *CIL* ix, 5420 and its counterpart in the *Digest*;¹⁰ that of the Dmeir inscription and its parallel in the *Codex* is to refer not to the *consilium* but to the *salutatio* that preceded it.¹¹

When we come to consider the Greek equivalent for the emperor's *consilium*, the lack of uniformity is equally surprising. There is one fixed point to hold on to; the senate is always συνέδριον (or ἡ σύγκλητος), never συμβούλιον. But both words are used with equal freedom of imperial councils,¹² and so are σύνεδρος and σύμβουλος for councillors,¹³ though there seems here to be an occasional attempt to keep the former for a legal (cf. πάρεδρος, *adessor*) and the latter for a political adviser.¹⁴ It breaks down, however, in official terminology, where the equivalent

¹ Suet. *Div. Aug.* 93; Sen. *de Clem.* i, 9, 3; Pliny, *Epp.* iv, 22, i, vi, 22, 2 and 31, i, and the following passages of the Augustan History, with which it is a well-worn expression: SHA, *Had.* 8, 9; 18, i; 22, ii, *Pius*, 3, 8, *Alex.* 28, 3; 68, i, *Max.* *Duo* 17, 6, *Gall.* 16, 6.

² *Cod. Just.* 7, 26, 6.

³ *CIL* vi, 1518, and see above, Ch. vi, pp. 72-3.

⁴ Tac. *Ann.* xii, i, 4; Juv. iv, 72-3; Lact. *de Mort. Pers.* ii, 5. And Pliny describes himself as 'evocatus in consilium' for one of Trajan's judicial sessions, *Ep.* vi, 31, i.

⁵ Tac. *Ann.* xv, 25, 2.

⁶ SHA, *Marcus* 7, 3.

⁷ Herodian i, 4, i.

⁸ Id. vi, 2, 3.

⁹ Dio lxix, 7, i.

¹⁰ *Dig.* 37, 14, 17, 'ipso Maeciano et aliis amicis... adhibitis'. Cf. Val. *Max.* viii, 2, 2.

¹¹ See above, Ch. vi, pp. 82-3.

¹² συνέδριον: Jos. *BJ*, ii, 25 etc. (and of Antony's council of φίλοι, Nic. Damasc. (Jacoby, *F. Gr. Hist.* 90) F 130, 128); Joh. Antioch. *ap.* Dion. lxi, 3, 2; Herodian iv, 3, 9 (note that this shows that the word is not confined to judicial contexts); and in the 'Acts of the Pagan Martyrs', *P. Oxy.* 1242, 42. συμβούλιον: Marcus, τὰ εἰς ἑαυτ. i, 16; *IGRR* iii, 179; the S.C. Calvisianum; and in the 'Acts of the Pagan Martyrs', *BGU* 511, col. i (συμβούλιον).

¹³ σύνεδρος: Philo, *Leg.* 349f.; Herodian iii, 14, 9; vii, i, 3. σύμβουλος: Plut. *Oth.* 7, 7; Philost. *Vit. Apoll.* v, 29, i; Herodian i, 8, i; Dio lvii, 7, 2.

¹⁴ This is suggested by two passages: Herodian vi, i, 2, who speaks of συνέδρους καὶ συμβούλους, and Zos. *Hist. Nov.* v, 30, 8, αἰρεθεὶς παρὰ Στελίχωνος πάρεδρός τε καὶ σύμβουλος. But cf. the imaginary scene in Achilles Tatius vii, 12, i, where σύμβουλοι = πάρεδροι.

for *consiliarius* is σύμβουλος in the one case where a direct comparison of the Latin and Greek is possible.¹ But Bassus in *IG* IV, 1475 is βουλαῖος—and not for metrical reasons, for σύμβουλος would have fitted equally well into his inept hexameter. Dio favours οἱ συνδικάζοντες for the members of the council in judicial cases;² the use of δικαστήριον (= *auditorium*) will be discussed later in another connexion. As for the apparent anomaly of σύγκλητος in the 'Acts of Appian', it has already been suggested that this may not be an exception at all, and may refer (as it otherwise always does) to the senate.³

The evidence for the place of meetings of the imperial council has been set out in the previous chapters. At the risk of some repetition the matter will be discussed here, as bearing on the attitude of the emperors towards public justice; for it need hardly be said that most of the evidence concerns the juridical side of the council's activities. Deliberative *consilia*, as Dio complains, had no reason to be public. The *amici* whose advice was needed followed the emperor wherever he might be, and we hear of meetings in the imperial residence at Rome,⁴ at his country seat,⁵ at York under Caracalla and Geta,⁶ at Ravenna under Aurelian⁷ and so on.

In the case of *cognitiones* (and the reception of embassies) the position was different. The early emperors exerted themselves to maintain the strong republican tradition of public justice. Mommsen, indeed, distinguishes between civil cases and criminal ones, which he says were held *in camera*;⁸ but the passage in which Dio describes Augustus proclaiming capital sentences amidst a dense crowd of bystanders⁹ is enough to suggest that this was a matter of convenience rather than rule. Cases of grave consequence liable to cause public disturbance, and the *maiestas* trials that play an inordinate part in Tacitus' version of the early principate, were of course held behind closed doors, at least in their first stages. But in the first century public opinion was strongly hostile to trials *intra cubiculum*. Later, as the emperors became more and more remote from the man in the street, *cognitiones* came to be confined to the palace; but the process was a gradual one.

¹ *IGRR* I, 135, *ILS* 1455 (the Dionysius career).

² Dio LXXV, 16, 4; LXXVI, 17, 2.

³ See above, Ch. VI, p. 78.

⁴ Under Claudius, Tac. *Ann.* XI, 23, 2; 24, 1; 31. Under Nero, ib. XIII, 26–7; XV, 25.

⁵ Domitian's Alban palace, Juv. IV, 145.

⁶ Herodian III, 15, 6.

⁷ *FHG* IV, p. 197.

⁸ *StR* II³, 965, n. 4.

⁹ Dio LV, 7, 2.

Augustus adhered faithfully to the traditional *cognitio pro tribunali* of the Roman magistrate, sometimes in the forum,¹ sometimes in the portico of the temple of Hercules at Tibur.² For the hearing of the Jewish embassies after the death of Herod, on a specially solemn public occasion, the council sat in the temple of Apollo itself, on the Palatine.³ Even in old age, Augustus did not abandon these sessions in public, though he no longer went beyond the Palatine.⁴

Tiberius, with his tribunal in the forum, maintained the democratic tradition established by his predecessor,⁵ and so did Claudius. Suetonius is full of anecdotes about the latter's public trials, and doubtless it was his indefatigable zeal for these that brought his physical shortcomings so constantly before the public eye and provided matter for the satirists. He took his seat mostly in the forum, but sometimes elsewhere,⁶ and in the hot months, instead of suspending business altogether, he followed Augustus' precedent and carried on amid the shades of Tibur.⁷ Embassies were similarly received in public, and Claudius found himself unable to avoid the presence of Agrippina, though she did not as yet attempt to secure recognition as a member of the *consilium* by mounting Claudius' tribunal, but had her own, hard by.⁸ As for the trial of Isidore and Lampon, the papyrus does not make clear how public it is envisaged as being. It takes place in one of the imperial gardens, and is therefore confined to those who have the right of entry to them; but it is not held *in camera*, for certain *matronae* are present.

Nero is found receiving ambassadors in public in an already quoted passage of Dio, with Agrippina trying to play a larger role.⁹ Vespasian ἐν τῇ ἀγορᾷ πολλαῖς ἐδίκησεν,¹⁰ and Domitian maintained the public tradition at first. But it may well have been the building of the Flavian palace, amongst whose ruins on the Palatine can still be seen the audience chamber with its tribunal apse,¹¹ that brought about the change by providing for the first time a convenient alternative. The trial of Apollonius of Tyana, as described by Philostratus, takes place in just such a hall, in the presence of a great crowd indeed, but only of the

¹ Suet. *Div. Aug.* 93.

² *Ib.* 72, 2.

³ Jos. *AJ* xvii, 301.

⁴ Dio lv, 33, 5.

⁵ *Id.* lvii, 7, 2.

⁶ *Id.* lx, 4, 3. E.g. beside the Tiber, *ib.* 33, 8.

⁷ Sen. *Apoc.* 7; see above, Ch. iv, p. 42 and n. 5.

⁸ Dio lx, 33, 7; Tac. *Ann.* xii, 37, 5. ⁹ See Ch. iv, p. 45.

¹⁰ Dio lxvi, 10, 5, and see Ch. iv, p. 48.

¹¹ See photographs in P. Marconi, *Il Palatino*, Itinerari dei Musei e Monumenti d'Italia,

ἐπίδηλοι, presumably the nobility with *admissio*. Moreover, Domitian spent much of his time at his Alban country seat. He held his judicial sessions there, and there is not likely to have been anything public about the happenings within the grim walls of what Tacitus and Juvenal called the 'Albana arx'.¹

There is also no sign of any publicity in Pliny's accounts of the sessions in which he took part, particularly at Centumcellae. But when they were in Rome both Trajan and Hadrian observed the Augustan tradition scrupulously, holding public *cognitiones pro tribunali* in the forum, Stoa of Livia, Pantheon and numerous other places.² Hadrian was in his capital for only comparatively short periods, and there is nothing to show whether *cognitiones extraordinariae* in provincial centres at this time took place in public. Some of the *Sententiae Hadriani* suggest public sessions;³ their setting seems to be Rome.

The combination of the existence of an audience chamber with the increasingly professional air of the council from Hadrian's time onwards seems to have hastened the decline of public *cognitiones*. The *auditorium* henceforward becomes their normal setting. It is first mentioned by Ulpian,⁴ but he is quoting Scaevola's experience under Marcus. Philostratus uses its Greek equivalent, δικαστήριον, in connexion with an embassy that arrived from Smyrna shortly after the death of Polemo, and so probably in the reign of Pius,⁵ but this does not prove that it was an official term so early. According to the Augustan History, Marcus promised that senators should be tried *in camera*, and only their sentences publicly announced; by now, apparently, trial in the *auditorium* was regarded as the full public procedure, while special cases were tried behind closed doors. By the time of Paulus, who speaks of *maius auditorium*, the word has transferred its meaning from the place to the council itself.⁶

Under Septimius Severus, Dio speaks of the 'rooms in the palace where he administered justice'.⁷ Herodian says that Septimius spent most of his time ἐν τοῖς βασιλικοῖς προαστεῖοις καὶ τοῖς παραλλοῖς τῆς Καμπανίας χωρίοις δικάζων τε καὶ πολιτικὰ διοικῶν:⁸ it is doubtful if

¹ Tac. *Agr.* 45, 1; Juv. IV, 145.

² Dio LXVIII, 10, 2; LXIX, 7, 1.

³ See above, p. 63 n. 5; e.g. 'interea interpellavit Adriano dicens "fili mei, domine, militiae capti sunt"' (Goetz, p. 36).

⁴ Dig. 36, 1, 23, pr.; 4, 4, 18, 1.

⁵ Philost. *VS* 1, 25, 19, ἐν τῷ βασιλείῳ δικαστηρίῳ.

⁶ Dig. 42, 1, 54, 1. Cf. θεῖον δικαστήριον of the Dmeir inscription; and on the development of the word *auditorium*, see H. Last in *Reallexikon für Antike und Christentum*, s.v.

⁷ Dio LXXVI, 11, 1.

⁸ Herodian III, 13, 1.

this implies any degree of publicity, and the 'tribunal Augustorum nn. quod [est in area aedis Apollinis]' of the Acta Ludorum Saecularium of 204¹ may have been no more than the place upon which the emperors made their occasional public appearances. Such attention as Caracalla chose to pay to judicial matters was confined to the palace, on whose doorstep he tended to keep his councillors waiting;² and after him there is no more third-century evidence except Herodian's mention of the δικαστηρίου οίκλος of Maximinus.³ With the dominate and the *consistorium*, the spirit that might have demanded public justice had gone; when Ammianus reports the trial of a provincial governor under Julian when he was Caesar and wintering in Gaul, 'pro tribunali, palam admissis volentibus', he notes it as a special concession to *civilitas*—'et haec quidem et huius modi multa civilia'.⁴

For the procedure at meetings of the imperial council most of the evidence is again concerned with the judicial side, although there is enough on the other side to show that even the administrative meetings of the *amici* did not lack a formal pattern, and that there is no divergence in this respect sufficient to support a belief in the essential difference of the two kinds of council. The preponderance of evidence on the judicial side is due simply to the public nature of the *cognitiones*.

Judicial proceedings would naturally follow the pattern of the magisterial *cognitio extraordinaria*, which was already in being; but since it had not developed far, the emperors were in a position to influence its evolution as they chose by means of their *auctoritas*. It is characteristic of the solidarity of Roman legal tradition that they innovated but little, and that Claudius' attempt to do so met with severe criticism; he was 'interdum inconsultus ac praeceps, nonnumquam frivolus amentique similis'.⁵

In general, *cognitiones* before the emperor were divided into two stages,⁶ first the hearing of the pleas and witnesses, and then dismissal of the parties and adjournment for deliberation. In the former stage, the pleas were sometimes heard at length, sometimes examined point

¹ *ILS* 5050a.

² Dio LXXVII, 17, 3.

³ Herodian VII, 6, 6.

⁴ Amm. Marc. XVIII, 1, 4.

⁵ Suet. *Div. Claud.* 15, 1. Cf. Sen. *Apoc.* 14.

⁶ This remark is not intended as a full general description of *cognitio* procedure (for which see Jolowicz, *Historical Introd. to Roman Law*, 1st ed. 402-4). *Cognitiones* might have, for example, two stages corresponding to the *in iure* and *in iudicio* of the formulary procedure; all we are concerned with here is the evidence for what happened before the emperor and his *consilium*.

by point; in the latter, *sententiae* were sometimes called for orally, while at other times a written and sealed judgment was handed to the chairman—the emperor, in fact—for collation.

Of this latter practice, there seems to be an example in the very first passage that stands to be considered. Suetonius describes a case of forgery of a will, some of the signatures to which had been given in good faith. According to the existing law, all the signatories were either innocent or guilty in a body; for the council was employing the procedure of the ordinary praetorian *quaestio*, each member having two *tabellae* only, with one of which to enter his verdict, a *damnatoria* and an *absolutoria*.¹ The emperor, however, presumably by virtue of his *auctoritas*, had a third *tabella* distributed, 'qua ignosceretur iis quos fraude ad signandum vel errore inductos constitisset'.

The second of the two meetings to settle the affairs of the Jews, that in the temple of Apollo, begins, as recorded by Josephus, with the full and elaborate presentation of their cases by each of the parties in turn. Then Augustus διαλύει μὲν τὸ συνέδριον and retires to deliberate.² An additional detail of procedure in the former session is suggested by the remark that the emperor τὸν . . . Γάϊον πρῶτως ἐκόθισεν,³ which implies that *sententiae* were called for in the order of imperial dignity and favour.

Tiberius not merely acted as chairman, but also expressed his own *sententiae* during the debate, and not always first.⁴ Drusus, who seems to have had a regular place on the judicial council, likewise took his turn. Augustus had tried to obtain independence in senatorial debates by the well-worn pedagogic device of calling for opinions in an unexpected order; perhaps Tiberius was trying the same technique with the *consilium*. If the general verdict went against him, says Dio, he let it stand. The whole procedure was clearly oral; there is no sign of *tabellae* here.

Suetonius' celebrated chapters on the unorthodox legal methods of the Emperor Claudius⁵ describe how he modified penalties (not always

¹ Suet. *Div. Aug.* 33, 2. Could this be indeed a *quaestio*, with the emperor merely 'sitting in', as we know from Dio that he sometimes did? H. Niedermeyer, 'Über antike Protokoll-Literatur' (Diss. Göttingen, 1918), 21, thinks so. But *cognoscentibus* implies a *cognitio*, and from the emperor's behaviour it looks as though he must be presiding. See Volkmann, *Rechtsprechung*, 71–3, esp. 72 n. 1.

² Jos. *AJ* xvii, 317. Cf. διαλύσας δὲ τοὺς συνέδρους, *BJ* II, 38. In *Dig.* 28, 4, 3, Marcus dismisses everyone and meditates privately; but this is characteristic of Marcus—hardly of Augustus. Perhaps Josephus has omitted to note that there was discussion before the adjournment at the second session.

³ *BJ* II, 25.

⁴ Dio LVII, 7, 2.

⁵ Suet. *Div. Claud.* 14 and 15.

downwards) in accordance with his own notions of *bonum et aequum*;¹ undertook summarily a case which was claimed to be *ordinari iuris* and not the business of the imperial *consilium* at all;² missed out steps in the procedure, gave judgments against parties in absence, and so on. In one case he is said to have pronounced *ex tabella*; and the views of Philo on correct council procedure may hint at the practice of Claudius, as has been suggested earlier.³ According to him the council, sitting in order of precedence, should hear the pleas of plaintiff and defendant in turn and at length, πρὸς μεμετρημένον ὕδωρ, and then retire with the emperor to discuss the verdict to be promulgated. This may help to explain the Suetonian anecdote about the 'peregrinitatis reus' who had to change his coat according as he was being accused or defended—a pantomime indeed, if he really had to change every few minutes; but if the case for each side was presented at length in a single speech, he doubtless only had to change once, and this (at first sight) trivial piece of fooling may have been an ingenious and satisfactory way of cutting a legal knot.

As for the 'Acts of Isidore and Lampon', the difficulty of assessing their value as evidence for the Claudian *consilium* has already been indicated. The council is seated with the emperor (συνκα[θημένων αὐτῷ] | συνκλητικῶν εἴκοσι), and there are signs of some formal rising to deliver *sententiae* and sitting down again (ἀναστάς, ἐκάθισεν etc.); but all this may merely reflect the practice of the early third century. The same is true of the Berlin fragment purporting to be an argument κατὰ κεφάλαιον between Isidore, Balbillus and Julius Agrippa; hence it is no obstacle to the view which will presently be suggested, that κατὰ κεφάλαιον procedure was a Neronian innovation.

According to Suetonius, the *cognitiones* owed to Nero not one novelty but two.

Cognoscendi morem eum tenuit ut continuis actionibus omissis singillatim quaeque per vices ageret. quotiens autem ad consultandum secederet, neque in commune quicquam neque propalam deliberabat, sed et conscriptas ab uno quoque sententias tacitus ac secreto legens quod ipsi libuisset perinde atque pluribus idem videretur pronuntiabat.⁴

¹ On this concept, see F. Pringsheim in ZSS LII (1932), 78–155.

² Cf. now the argument at the beginning of the Dmeir case: μή δεξαμένου τοῦ ἡγεμόνος πῶς εἰσαγωγίμος | ἐστὶν ἡ δίκη; Here too, the emperor decides to hear the case in spite of doubts as to his competence.

³ Philo, *Leg.* 349f. See above, Ch. IV, p. 40.

⁴ Suet. *Nero* 15, 1.

The second of these two affirmations does not amount to much: Nero called for opinions in writing, and having read them delivered judgment according to his own caprice. This may be a fact, but is not an innovation, for both Augustus and Claudius used *tabellae* on occasion, while the motive imputed to Nero looks like a calumny designed by Nero's advisers to enable them to evade responsibility for unpopular decisions. In the alleged speech of Maecenas to Augustus Dio makes exactly the same suggestion,¹ fortified by the excellent argument that written procedure will encourage people to express their real views; and there is no good reason for crediting Nero (or Seneca and Burrus) with any less admirable motive than that which occurred to Dio.

Suetonius' first point is more interesting, since it seems to be a genuine innovation. The time-honoured practice of allowing each party to present its case in turn had become absurd under the too patient Claudius: 'tu scis quantum illic miseriarum tulerim, cum causidicos audirem diem et noctem', he is made to say to Hercules in the *Apocolocyntosis*.² The advocates droned on until he was weary, and if he tried to escape treated him with so little respect 'ut discedentem e tribunali non solum voce revocarent, sed et lacinia togae retenta, interdum pede apprehenso detinerent'.³ Nero, therefore, very likely at the prompting of Seneca (who wrote the former passage) gave up the continuous *actio* and took to pursuing the inquiry point by point. This new procedure had a wide influence:⁴ it did not by any means oust the other, but provided an alternative which was not seldom used.⁵

To judge from the 'strepebat' of Tacitus (*Agricola* 45, 1), Domitian called for the views of his council orally; and so did Trajan.⁶ Oral discussions under Marcus and Septimius are quoted in the *Digest*: it may be suggested that the choice depended partly on the question at issue. If the council had merely to act as a jury, *tabellae* or written *sententiae* would do, but if it had to tackle a matter of law or a point of procedure it was bound to revert to oral debate. Of Septimius'

¹ Dio LII, 33, 4.

² Sen. *Apoc.* 7.

³ Suet. *Div. Claud.* 15, 3.

⁴ Baumgarten-Crusius, ad loc., remarks: 'Hic igitur transitus fuit ad nostrorum [sc. Germanorum] iudiciorum morem ab antiquo, qui observatur in Britannia adhuc terrisque Galliae subiectis.'

⁵ See Pliny, *Ep.* vi, 22, 2, 'egit autem carptim et κατὰ κεφάλαιον, quo genere veritas statim ostenditur'; the interrogation of Apollonius in Philost. *Vit. Apoll.* VIII, 4 and 5; and the reputation of Pius and Marcus for hair-splitting (Dio LXX, 3; LXXI, 6), though Marcus sometimes, at any rate, gave the advocates a chance to shine first (cf. the full clepsydra allowed to Herodes in Philost. *VS* II, 1, 28).

⁶ Pliny, *Ep.* iv, 22, 3, 'cum sententiae perrogarentur, dixit Iunius Mauricus...'.
 112

political trials a little is heard from Dio, who sat on some of them. Abundant time was given for the pleas—ὕδωρ ἱκανὸν ἐνέχει—and in the adjournment the council were allowed complete freedom of comment.¹ The Dmeir inscription shows both the κατὰ κεφάλαιον procedure and its alternative in use, for it begins with a point-by-point argument between counsel, but breaks off with the exordium of a full-scale oration.²

It remains to consider whether in its non-legal capacities the imperial council had any formal procedure. One must remember in this connexion that there is no sharp dividing line between the council's various functions: thus the Jewish discussions whose procedure has been described constitute a border-line case, as was said in Chapter IV. Two references in Tacitus offer a hint here; upon the discovery of Messalina's adultery Claudius called together the *amici*, 'primumque rei frumentariae praefectum Turranius, post Lusium Getam praetorianis impositum percontatur'.³ This is not the official order of precedence, but Turranius was a man of special authority; in any case we have here the *sententiae* called for in turn. It may be asked whether there was any other way of holding a conference; but the 'promere sententiam et adicere rationes' of Claudius' discussion with the freedmen⁴ suggests that there was a certain formality about the proceedings. Finally there is the testimony of Lactantius, who says that the *amici* called to discuss the Christian persecution 'ut dignitate antecedeabant interrogabantur'. The impression conveyed by these passages is that the imperial council was never merely a caucus, a conclave of those in power, but sat always with a certain degree of solemnity and formality, delivering its opinions according to an order of precedence determined by the emperor.

Did it divide into committees? Unfortunately, there is no positive evidence; but there are enough hints to be worth recording. For judicial matters Hadrian, at least, did not confine his *consilium* to jurists (and this was in line with Roman legal tradition). But legislation and technical emendation of the law have always needed professional skill, and so perhaps there was always a 'law committee'.⁵ Certainly in Paulus' reminiscences in the *Digest* we hear of none but legal experts in the discussion; and probably the 'consiliarii' were confined to the 'law committee'.

¹ Dio LXXVI, 17, 2. On παραρησια, see Appendix 4.

² See the description in Ch. VI, p. 83.

³ Tac. *Ann.* XI, 31, 1.

⁴ Tac. *Ann.* XII, 1, 4. And see above, Ch. IV, p. 42.

⁵ Augustus consulted a group of lawyers, *Inst.* 2, 25, pr.

Lactantius' group of 'iudices pauci et pauci militares' leads on to another distinction, made twice by the Augustan History, between 'res bellicae et civiles'.¹ The historian does not, indeed, say that they were dealt with by different people, but they may have been, for we hear also from the same source of 'amici militares'.²

So tentatively it may be suggested that there were at least three groups into which the *consilium* tended to divide, a law committee, a military committee and one for general civil affairs (financial matters and the like).³ But there was only one *consilium*; these committees were not always made use of, and always joined together again if any matter arose in which their help might be valuable.

¹ SHA, *Marcus* 22, 3; *Alex.* 29, 4.

² SHA, *Alex.* 39, 1.

³ Is this why Nero 'consultavit inter paucos' over the *vectigalia*?

CHAPTER IX

THE INFLUENCE OF IMPERIAL COUNCILS

THE history of the Roman Empire in the pages of Tacitus, Suetonius and Dio is scarcely more than a chain of imperial biographies. Accessions and deaths of emperors assume the shape, not merely of milestones in the time-scheme, which they are bound to be, but of impassable gulfs, across which there seems to be no continuity; and the temptation to say always 'Tiberius built this road', or 'Vespasian imposed that tax', helps still further to over-emphasize the effect of individual emperors on the course of events.

Their idiosyncrasies frequently counted for much; but this is the side of the medal that none can fail to see: it has a reverse, which only closer inspection will bring to light—continuity and organic growth. This is concealed partly because of the rhetorical and sensational bias of all Roman historiography, which lacked interest in the pedestrian theme of day-to-day administration; and partly because of τῆς πολιτείας τὸ κρυπτόν, since most important governmental decisions were arrived at *in camera*, and the *amici principis*, with whom lay such continuity as there was, were no doubt tempted to hide their own role in affairs behind the alleged caprices of a wilful emperor.

The visible side of the continuity is represented by prosopographical material. One can examine the careers of many important *amici principis*, and see how they overlap the rise and fall of emperors: they were indeed dependent upon the reigning emperor for their *amicitia*, but he was in his turn conscious of his dependence upon their experience and advice.

The next stage in an inquiry into the influence of the *consilium* would be to relate those broad currents of imperial policy that appear to transcend the bounds of individual reigns to the ideas and ideals of the men who at one time and another made up the *consilium*. This is unfortunately wellnigh impossible, for lack of memoirs, letters or treatises that might have given us an insight into these men's notions of government. There are, however, two of whom something can be said; Seneca in the middle of the first century and Dio at the beginning of the third.

For on the one hand they are known to have been close and influential *amici principis*, and on the other they have left some account of their views and principles.

But first, to recapitulate the scope of activities of the *consilium*. They are put most broadly and simply by the biographer of Alexander: *ius, negotia, res militaris*.¹ Suetonius, exemplifying the matters taken—wrongly—by Tiberius to the Senate (the implication being that they were the business of the council), mentions finance, army regulations and foreign policy;² and when Dio makes Maecenas suggest to Octavian the formation of a special council to deal with legislation, war policy, the choice of governors, and the decision of rewards and punishments,³ we may infer that these were the normal province of the *consilium*, though in Augustus' day its influence on these matters was informal and unacknowledged. Add the reception of embassies, mentioned elsewhere by Dio,⁴ and the whole gamut of day-to-day government is covered.

The literature provides examples of all these cases, and more. On the plane of high imperial politics may be put the discussions on the future of Palestine in 4 B.C., the dispute over the admission of Gallic chieftains to the senate, the suppression of Nero's attempt to abandon Britain (and Hadrian's to give up Dacia, if it be a fact), the meeting that tried to dissuade Caracalla and Geta from dividing the Empire, and that which preceded the Diocletianic persecutions. For finance there is the Neronian affair of the *vectigalia*,⁵ for the reception of embassies the Jewish council again and the Armenian deputation to Nero. Questions of succession are often mentioned: the adoption of Tiberius Gemellus; a wife for Claudius; a colleague for Galba; a successor for Trajan. In the sphere of military policy (it will also illustrate the choice of governors) there is recorded the most significant case of the appointment of Corbulo: it is clear that the *amici* always had a major influence on the higher military appointments.⁶ Finally (leaving *ius* aside altogether for the moment) there are emergencies; the crisis over Messallina and Silius, the Armenian debacle in 62, the revolt of Vindex,⁷ the rising against Maximinus.⁸

¹ SHA, *Alex.* 16, 3.

² Suet. *Tib.* 30.

³ Dio LII, 15, 1-2.

⁴ Id. LVII, 17, 9.

⁵ But see the reservations above in Ch. IV, p. 46 and n. 4.

⁶ Cf. Mucianus' influence on the appointment of Agricola to Britain, Tac. *Agr.* 7, 5.

⁷ Suet. *Nero* 41, 2, assuming a kernel of fact behind the water-organ story; see above, Ch. III, p. 29 n. 2.

⁸ Herodian VII, 8, 1.

The *amici* took part in all these vital discussions, and doubtless in innumerable others which went unrecorded. It remains to select one or two aspects of the history of the Empire which, it may be suggested, explain themselves more easily if the activity of the *consilium* of *amici* is borne in mind.

Tacitus' psychological picture of Tiberius has always been a puzzle—the hypocrite with the hesitating judgment and slavish dependence on the policies laid down by his predecessor. It must be remembered that Augustus left behind him not only advice, but advisers, whose counsel Tiberius could scarcely fail to follow, especially since, as colleague in the *tribunicia potestas*, he had already been working with them for some years. (Indeed, continuity is usually most apparent just at those times when the reigning emperor has himself been amongst the closest counsellors of his predecessor: this was the chief advantage of the 'elective' as opposed to the 'dynastic' principle of succession to the purple, though sometimes, as with Tiberius, Titus and Caracalla, it was the 'dynastic' successor who had the experience.)

The continuity of Tiberius' policy with that of Augustus scarcely needs demonstration. In the matter of imperial cult he adopted the attitude of Augustus;¹ like him, he left Britain alone, and was 'proferendi imperii incuriosus' in general. On Rome's eastern frontier he repeated a twice-told tale of unsatisfactory compromise, by supporting a romanized king in Armenia; but at least Archelaus of Cappadocia was removed, and his principality and the neighbouring Commagene were provincialized, which made a more satisfactory frontier. Tacitus, it is true, has a tale of personal enmity to account for the deposition of Archelaus;² but he himself shows that there was a careful financial policy behind the reorganization, and one may plausibly suspect the hand of the council (Tiberius certainly made use of experts in questions of foreign affairs).³

The provinces were encouraged to forward their complaints, and a specific example is the plea of Achaëa and Macedonia for relief from the burden of taxation, which led to their incorporation as imperial provinces, doubtless after an embassy and a meeting of the council.⁴

Governors of provinces were left at their posts for notoriously long periods. The tradition represents this as part of the degeneration of government consequent upon Tiberius' retirement to Capreae. But it

¹ See M. P. Charlesworth in *PBSR* xv (1939), 1-3.

² Tac. *Ann.* II, 42.

³ See above, Ch. IV, p. 37.

⁴ Tac. *Ann.* I, 76, 4.

must be observed that not all the men who were so kept in office held their posts wholly or even mainly after 26. Some of them had already been appointed under Augustus, like Silanus (65) (Syria, 12-17) and Sabinus (276) (Moesia, 11-35); others were sent out at the beginning of the reign, for example C. Silius (Upper Germany, 14-21) and Valerius Gratus (procurator of Judaea, 15-26). This should be seen, therefore, as high policy, not lack of it—the effort of Tiberius and his advisers to create a tradition of expert knowledge of individual provinces.

In all this, and in the generally benevolent government until 23, which even Tacitus cannot deny, one should not underrate the influence of those ‘*consilarii in negotiis publicis*’, trained in the school of Augustus, whom the new emperor consulted. Suetonius says that in the long run only two or three of them survived;¹ a fact which, along with the disastrous interlude of Gaius, will help to explain the comparative discontinuity of Claudius’ reign with what had gone before.

The chief reversal of Augustan policy under Claudius is a new wave of imperial expansion. Judaea, it is true, fell to Rome in the ordinary course of events,² and Mauretania, Thrace and Lycia were annexed as a means of healing old sores. But the invasion of Britain was a deliberate breaking of the bounds, elaborately publicized and, broadly speaking, a success. Claudius did not need advice about this from the military side: it must have been obvious, after Gaius’ fiasco, that something must be done to sweeten the emperor’s relations with the army. But it also seems probable that there was a party amongst the *amici principis* who pressed for the annexation of Britain on financial grounds. Seneca, crying enthusiastically ‘*Britanniam aperiatur!*’ from his exile,³ will not have been alone; and the *amici*, notably Seneca himself, were not slow to exploit Britain in the years that followed. The financial experts were no doubt supported by the bureau *a rationibus*, now much more powerful, and in charge of a *fiscus* quite separate at last from the *aerarium*, which had a natural interest in fresh sources of revenue. (Achaëa and Macedonia were restored to the Senate; as they had clamoured to be taken over by the emperor in the first place on the grounds of over-taxation by the *aerarium*, they cannot have been of much financial advantage to the *fiscus*.)

¹ Suet. *Tib.* 55.

² Note the tremendous influence of L. Vitellius (352) at Claudius’ court. He knew a good deal about Judaea and its problems.

³ Sen. *ad Polyb.* 13, 2.

That Claudius turned to his freedmen for advice was, of course, notorious; and it has been suggested that in pursuing certain policies such as that with regard to admission to the senate, which conflicted with the traditional standpoint of his *amici*, he was driven into their arms.¹

With Nero's reign we come to Seneca as an imperial adviser. An attempt has been made by Stella Maranca to assess his influence upon the *consilium* and to correlate the practice of Nero's government from 54 to 62 with the explicit ethical notions of its leader, as discovered from his moral sermons and letters.² It is only moderately successful, partly because of Stella Maranca's mistaken idea as to the nature of the *consilium*,³ but partly owing to Seneca himself. What is significant is not that Seneca should occasionally let slip a phrase betraying familiarity with the *consilium*,⁴ but that in all the wilderness of moralizing he mentions it so seldom. When he wants to conjure up the picture of personal power and influence, he refers not to *amicitia principis* or membership of the *consilium*, but to the senate; and he has disappointingly little discussion of the principles of government—is careful, in fact, to talk in generalities, since specific reference to his own activities and principles of action might be dangerous. For all that he was so profusely articulate, Seneca yields a poor harvest in this field.⁵

Nevertheless, some of Stella Maranca's points will be reviewed (some have been treated already in Chapter IV), with the addition of one or two references to *amici principis*, who were not embraced in the scope of his paper.

To begin with, Seneca and Burrus certainly knew how to govern. That they were both Western provincials and the financial secretary an Eastern may help to explain the prosperity of the provinces in Nero's day and the apparent popularity of his regime. Britain, indeed, was being exploited too ruthlessly and rapidly; but in spite of the hard things that have been said in ancient and modern times about the activities of Seneca's agents in that province, the trouble may have lain

¹ See above, Ch. IV, p. 42.

² F. Stella Maranca, 'L. Anneo Seneca nel "Consilium Principis"', *Rendiconti Lincei*, ser. V, vol. XXXII (1923), 282-301.

³ He appears to regard it as more formal and permanent than it was—as a kind of privy council, in fact.

⁴ Stella Maranca quotes, for example, *de Ira* III, 39, 3; *Ep.* 67, 10; *NQ* II, 43. One might add *de Ira* II, 27, 4; III, 2, 4 (the senate as *publicum consilium*) as well as the other passages quoted below.

⁵ But see now the brief but admirable remarks of M. A. Levi, *Nerone e i suoi tempi*, Nota B, 147-9. Asbach, *Seneca als Reichsverweser und Theoretiker des Principats* (1896), has not been available to me.

in a mistaken policy of the governors rather than a political blunder in high quarters. At any rate, in the famous quarrel between Paullinus and his procurator Classicianus over this very question of the treatment of provincials, it was Paullinus whom the authorities had the wisdom to recall.¹

Seneca composed the programme speech at the beginning of the reign, with its emphasis on the role of the senate. It may well be believed, with Stella Maranca, that his influence and obvious veneration for that institution did lead to a revival of senatorial activity.²

The practical working of Seneca's notions of humanity may be seen in the debate 'de fraudibus libertorum' early in the reign. This turned on whether a general ordinance should be made giving a *patronus* the power to revoke the manumission of his freedmen if they failed in their obligations to him. Seneca at some stage (perhaps later) devoted all seven books of the *de Beneficiis* to a discussion of gratitude and the wise man's imperviousness to ingratitude and avoidance of revengefulness. Tacitus reports the two sides of the debate, and it is probable that the winning point of view was Seneca's.³ The principle enunciated as a result, that of applying palliatives in individual cases rather than touching the fundamentals of the law, is a significant one.

It is to be observed again in the case of the *vectigalia*.⁴ Stella Maranca supposed that Nero's proposal for their abolition was a scheme approved in council by Seneca and Burrus, but rejected by the senate. This seems improbable: sweeping gestures were a personal characteristic of the histrionically minded Nero. It is much more likely that this was his own private scheme, opposed by everyone, including Seneca and Burrus, who knew anything about imperial finance.⁵ Perhaps the matter arose in the course of a senatorial debate, and Nero made the first suggestion that came into his head: perhaps he refused to abandon his proposal without a full-dress senatorial discussion. At any rate, the preparation of the minor adjustments with which he had to be content in place of a full-scale reform will have been done by Seneca and Burrus and the rest of the advisers in council.

¹ Tac. *Ann.* xiv, 38, 4-39, 4. See R. G. Collingwood in Collingwood-Myres, 'Roman Britain and the English Settlements', *Oxford Hist. of England*, I, 103-4.

² Tacitus says so, *ib.* xiii, 5.

³ Tac. *Ann.* xiii, 26-7.

⁴ See above, Ch. iv, p. 46.

⁵ The passage has been a good deal discussed recently; see M. Rostovtzeff, *SEHRE* 593 n. 41 (J. G. C. Anderson's view); S. J. De Laet, *Portorium*, 120; Levi, *op. cit.* 142-6 (and the criticisms of this by De Laet in *L'Antiquité Classique* xix (1950), 235 n. 1).

Stella Maranca suggests that it may have been Seneca's humanitarianism again that induced Nero to refuse to put anyone to death at his gladiatorial shows in the Campus Martius,¹ a tenderness in sharp contrast to the terrible treatment accorded to the Christians when the restraining hand had gone. This event seems to have affected Seneca deeply; in a letter written round about 64 he speaks of torture with horror and understanding.² The theory of punishment is, indeed, a favourite of his, in the *de Ira* and particularly the *de Clementia*, which was addressed specially to Nero. It is the ruler's duty not to sentence men when angry, to try to reform before he punishes,³ and to reduce penalties.⁴

Seneca is also the author of a good many generalizations about the essential humanity and equality of slaves; and it looks as though in 61 there was a mighty struggle over this between him and the *auctoritas* of Cassius Longinus. This was the case of Pedanius Secundus' *familia*, due to be executed *en masse* for his murder by one of them. Tacitus only records the speech of Cassius in the Senate, and speaks of a few unsuccessful dissentients (doubtless following the pattern of his own sympathies);⁵ but the issue was one in which Seneca (who is not mentioned), with his expressed convictions, might have been expected to triumph. We may suppose either that his professions were entirely theoretical, or, more charitably and more probably, that genuine senatorial discussion, with the power of an opposition sometimes to get its way, was a feature of the Senecan regime.

In two places a hint at Nero's character may be detected. In the *de Beneficiis* Seneca glances at his master's propensity for histrionic political gestures: 'quid ergo, inquit, si princeps civitatem dederit omnibus Gallis, si immunitatem Hispanis, nihil hoc nomine singuli debebunt?'⁶ And in a letter he shows his disapproval of the *Domus Aurea*, which was built after his fall from Nero's grace: 'versatilia cenationum laquearia ita coagmentat ut subinde alia facies atque alia succedat et totiens tecta quotiens fericula mutantur'.⁷

To the tribulations of Gaius' *amici* Seneca also refers twice, once directly, once by innuendo. He laments the disgrace caused to Asiaticus, 'non dico consulari, non dico amico, sed tantum marito', by

¹ Suet. *Nero* 12, 1.

² Sen. *Ep.* 14, 5-6. A similar and earlier outburst, *de Ira* III, 3, 6, may well reflect the terrors of Gaius' last months.

³ Sen. *de Ira*, I, 6, 3-5, an important discussion on the way a man should carry out the duties of a judge.

⁴ *De Clem.* I, 20, 2.

⁵ Tac. *Ann.* XIV, 42-5.

⁶ *De Ben.* VI, 19, 2.

⁷ *Ep.* 90, 15.

Gaius' treatment of his wife;¹ and in the *de Ira* he describes the fate of Prexaspes, who 'accessit itaque ad numerum eorum qui magnis cladibus ostenderunt quanti constarent regum amicis bona consilia'.² The nature of his own *amicitia* with Nero is described, not by himself, but by Tacitus in a great speech put into his mouth: 'uterque mensuram implevimus, et tu quantum princeps tribuere amico posset, et ego quantum amicus a principe accipere. . .'.³

Finally must be quoted Seneca's defence of his own right, as a Stoic, to give counsel to an emperor: 'scio male audire apud imperitos sectam Stoicorum tamquam duram nimis et minime principibus regibusque bonum daturam consilium. . .'.⁴ The position of Stoicism was ambiguous. On the one hand the 'Stoic opposition' was a nuisance, and destined to be even more so, but perhaps it was more republican than Stoic in essence. Stoic ethics, practical and piecemeal and divorced from any doctrinaire system, had become part of the mental inheritance of the Roman governing class. Of its influence on the law, something more will be said presently.

The continuity of the Flavian advisers is matched by continuity of policy until the latter years of Domitian's reign. The importance of Claudius, the elderly and experienced *a rationibus*, to a dynasty concerned to rehabilitate the exchequer can hardly be overemphasized. He fell foul of Domitian, perhaps because he disapproved of the new emperor's freer hand with imperial revenues; one would like to know who was his successor. The new, constructive Eastern policy,⁵ based on an acceptance of the gains achieved by Nero, probably owed much to the experience of Vespasian and Titus themselves in the East, but it is to be observed that Mucianus, the most influential of the Flavian advisers until his death between 74 and 77, was also experienced in Eastern affairs, and that Eprius Marcellus, who, as governor of Asia, began the reorganization, was Mucianus' protégé. In Britain and Germany too there is a continuous military advance (only broken in the former case by Domitian's fear of a too successful governor): unrelenting expansion in Britain, rationalization of the frontier system in Germany. Of the career of that pre-Agricolan expert on Britain, Suetonius Paullinus, nothing is recorded subsequent to his adherence to Vitellius in 69; it is not beyond conjecture that he may have been at

¹ *De Const. Sap.* 18, 2.

² *De Ira* III, 14, 6.

³ *Tac. Ann.* XIV, 54.

⁴ *Sen. de Clem.* II, 5, 2.

⁵ For which see R. Syme in *CAH* XI, 137-45; B. W. Henderson, *Five Roman Emperors*, 59-64.

the ear of Vespasian, encouraging a forward policy in Britain, and the same may be said of Ti. Plautius Silvanus Aelianus (262).

Philostratus' story of the embassy from Asia, led by the sophist Scopelianus, which protested successfully against Domitian's prohibition of viticulture in that province,¹ is a valuable confirmation of the importance of that side of the work of an imperial *consilium* which consisted in the reception of embassies.

The period from Hadrian's accession to the death of Marcus Aurelius is so notably a continuity that it is often (and wrongly) treated as completely static—the 'Age of the Good Emperors', in which nothing much happened, the plateau at the summit of imperial development. The system is now running with maximum efficiency, and the *amici principis*, perpetually taken into counsel on every matter, are the nucleus of the government. Now in one field, that of the law, the 'Golden Age' was highly progressive; and at this juncture some brief attempt must be made to indicate the influence of the *consilium* upon legal as well as political development.²

From the beginning of the principate, legal development was mainly in the hands of the emperor and his advisers. Its most striking feature is that the foundations remained largely unchanged: the classical lawyers were tidying and elaborating a system of law whose broad lines had already been laid down by Cicero's day, after the great republican period of invention and innovation.³ What was subject to change was the detail and the application of the law, and it was affected by three closely interrelated concepts, *voluntas*, *bonum et aequum* and *humanitas*.⁴ The principle is neatly expressed in a dictum of Pius: 'etsi nihil facile mutandum est ex sollemnibus, tamen ubi aequitas evidens poscit subveniendum est.'⁵ Slaves remain slaves, *patria*

¹ Philost. *VS* 1, 21, 12.

² This is the sphere with which Cuq was mostly concerned in his monograph on the *consilium* (he gives lists of legislative measures, etc.). It is a subject upon which only the expert in Roman law can speak with authority; I shall not, therefore, enter upon it in detail, nor attempt to cover the same ground as Cuq.

³ But on the importance of the *ius novum*, not bound by the old formalities, see S. Riccobono in *Rev. int. des droits de l'antiquité* III (*Mél. De Visscher* II) (1949), 277–93.

⁴ Their influence is not, of course, confined to the imperial period. On *voluntas*, see J. Stroux, *Summum Ius, Summa Iniuria. Ein Kapitel aus der interpretatio iuris* (Leipzig, 1927); on *bonum et aequum*, Pringsheim in *ZSS*, LII (1932), 78–155; on *humanitas*, *RE*, *humanitas* (Suppl.-Bd. v, Heinemann); Schulz, *Principles of Roman Law*, 189–222; H. C. Montgomery in *Class. Stud. in Honour of W. A. Oldfather*, 104–21. And on the role of the *consilium* in the development of equitable remedies, see W. W. Buckland, *Equity in Roman Law*, 11–14.

⁵ *Dig.* 4, 1, 7 pr.

potestas remains *patria potestas*; but though the firm framework remains, humanity and good sense modify the details.

This is parallel to the trend of political development, where the more far-reaching and fundamental schemes are rejected, under the influence of the *consilium*, in favour of palliatives and changes of detail. The radical and conservative viewpoints are brought out by Tacitus in his account of the Neronian discussion 'de fraudibus libertorum', and the rescript to which it led must be quoted: 'privatim expenderent causam libertorum, quotiens a patronis arguerentur: in commune nihil derogarent.'¹ Similarly in the case of Pedanius Secundus' slaves, the humanity of some is overridden by the traditionalism of others, and the law remains untouched, though an attempt to extend it to the freedmen is at once quashed, 'ne mos antiquus, quem misericordia non minuerat, per saevitiam intenderetur'.²

The most obvious example of the working of *humanitas* is in the reduction of standard legal penalties. Most emperors seem to have practised this, and Seneca laid it down as a ruler's duty. Augustus' 'third *tabella*' is a case in point;³ Claudius modified penalties 'ex bono et aequo';⁴ Pius preferred the 'mitior sententia';⁵ Marcus the 'humanior interpretatio'⁶—and he too reduced sentences.⁷

In these cases the structure of the law is not affected at all; more important are those which create a precedent.⁸ *Humanitas* lies behind Claudius' permission to the Anauni to retain the citizenship they had unwittingly usurped, and his acceptance in an individual case of the right of a mother to succeed to her children's property, which anticipated the S.C. Tertullianum.⁹ Trajan relaxed the rigidity of testamentary procedure for his soldiers, accepting their *voluntas* in a will with no restrictions as to form;¹⁰ and there can scarcely be a doubt that his powerful circle of military advisers had a part to play in this development. Hadrian laid down that 'patria potestas in pietate debet, non atrocitate consistere'¹¹—and so on; these are but a handful of examples out of many.

¹ Tac. *Ann.* XIII, 27, 6.

³ Suet. *Div. Aug.* 33.

⁵ SHA, *Pius* 3, 8.

⁷ SHA, *Marcus* 24, 1.

⁸ There was, of course, no equivalent of our case law in the Roman system. The emperors in particular never felt bound by precedent; but the current of decisions was not without influence. See Buckland and McNair, *Roman Law and Common Law*, 1st ed., 6-7.

⁹ *Inst.* 3, 3, 1-2.

² *Ib.* XIV, 45, 4.

⁴ *Id.* *Div. Claud.* 14.

⁶ *Dig.* 28, 4, 3.

¹⁰ *Dig.* 29, 1, 1 pr.

¹¹ *Dig.* 48, 9, 5.

It is upon slavery above all that the slowly leavening process of *humanitas* can be traced. Augustus' feelings are shown in the famous story of Vedius Pollio's slave and the lampreys.¹ A Lex Petronia (perhaps of A.D. 19) forbade the throwing of slaves to the lions without the express order of a magistrate;² an edict of Claudius gave freedom to sick slaves who had been abandoned;³ Hadrian banished a woman who had maltreated her maids from insufficient cause;⁴ and Pius laid down 'ut si intolerabilis videatur dominorum saevitia, cogantur servos suos vendere'.⁵ Above all, there grew up the *favor libertatis*, which gave the benefit, if there was any unresolvable doubt as to a man's status, in favour of freedom.

We may suppose that it was the cumulative influence of men with ideas like Seneca's that provided the stimulus to the amelioration of slave conditions. Westermann is indeed sceptical of the influence of philosophy in the specific sense upon the law of slavery,⁶ whose amelioration was, indeed, a purely practical problem. But *humanitas* was not a prerogative of the doctrinaires; Stoic ethics had gained hold upon a circle much wider than merely the professed Stoics—they were behind the minds of the practical men who sat on the emperor's *consilium* and dealt with individual problems from day to day as they arose. Hence it is perhaps rather in this piecemeal, practical way, than through its more high-flown doctrines—*ius naturale* and the like—that Stoicism had its chief influence upon the law.

The way in which legal questions were thrashed out is exemplified by those all-too-scarce passages quoted in the *Digest* from Paulus' *libri decretorum*, some description of which has already been given in Chapter VI. In them we see the council sometimes acting as a brake and holding on to traditional points of view while the emperor is eager for change; sometimes propounding a new solution, which is accepted; sometimes divided within itself, but always discussing seriously and freely. The emperor is not bound by his council's opinion (Septimius usually seems to be contradicting it), but though he may override it, he has at least to listen to it. The council is, in fact, an element of stability, reminding him constantly of the legal framework that he will do well to think twice before overthrowing.

Finally we turn from *ius* to *negotia* once more. It is not without

¹ Dio LIV, 23, 2-4.

² *Dig.* 48, 8, 11, 2.

³ *Cod. Just.* 7, 6, 1, 3.

⁴ *Dig.* 1, 6, 2.

⁵ *Gai. Inst.* 1, 53.

⁶ In *RE*, Sklaverei (Suppl.-Bd. VI, 1044-5).

significance that radical reorientation of the imperial system began with the Severans; Septimius brought into power with him a new train of *amici*, and his centralization of government consolidated their influence. It has been recently emphasized that the seeds of the Late Empire were sown by the Severans,¹ and there is reason to think that the great problems to which Diocletian was to give an answer were already being reflected upon by men in the Severan circle of government, before the descent upon Rome of those cataclysmic wars which retarded her development by more than fifty years.

That the *suasoria* of Maecenas in Book LII of Cassius Dio is largely a collection of the historian's own recipes for imperial government was a thesis propounded long ago by Paul Meyer. Hammond has since shown that some parts of it can be explained as Dio's picture of the evolution of the Empire down to his own day; but these also have their significance, as a clue to what Dio thought important in that evolution.² From his chapters one can obtain a good idea of the practical thoughts on administration of an eminent member of the *consilium* at a time when clouds were beginning to gather and loom across the Roman sky. There is no need to suppose that Dio's ideas were peculiar to himself; indeed, when one sees their nature, it becomes clear that the Severan regime itself was built up by men of his persuasion.

In the first part of the book, the rejected advice of Agrippa, there are already two interesting references to the part of *amici principis* in imperial government. Agrippa is made to point out that the *amici* have a chance to feather their own nests, while upon the emperor falls the jealousy, the blame for mistakes, and the danger.³ Later he returns to the necessity for 'helpers' of courage and integrity;⁴ although the passage purports to be part of Agrippa's effort to dissuade Octavian from assuming the sole power, it has a wider significance.

The Maecenas speech follows. Looked at as a whole it is a plea for the centralization of government, the ironing-out of local distinctions and the introduction of a unified system. There is, to begin with, the advice about the *consilium* itself, which has been described in earlier pages, with its insistence that affairs must be run in secret, without the intervention of any but the chosen advisers of the emperor. Dio lays

¹ See, for example, D. van Berchem, *Les distributions de blé et d'argent à la plèbe romaine sous l'Empire*, 116; L. Perret in *Rev. des études historiques* LXXXVIII (1922), 458.

² For the references, see above, Ch. VI, p. 88 n. 4.

³ Dio LII, 2, 2. Cf. 37, 5-6.

⁴ *Ib.* 8, 4-6.

a quite Platonic emphasis on the importance of a properly trained governing class:

καὶ τὴν διοίκησιν τῶν κοινῶν ἑαυτῷ τε καὶ τοῖς ἄλλοις τοῖς ἀρίστοις προσθεῖναι, ἵνα βουλευώσι μὲν οἱ φρονιμώτατοι, ἀρχῶσι δὲ οἱ στρατηγικώτατοι, στρατεύωνται δὲ καὶ μισθοφορῶσιν οἱ τε ἰσχυρότατοι καὶ οἱ πενέστατοι.¹

Next should be noted Maecenas' call for universalism. Senate and *equites* (each order with its appointed sphere of duties) are to be drawn from the soundest elements in every part of the Empire. Italic predominance must be abandoned, for only so can imperial loyalty be maintained, καὶ οἱ πρωτεύοντες παρ' αὐτοῖς φιλήσουσι σε ὅτε καὶ κοινωνοὶ σοι τῆς ἀρχῆς γεγονότες (the very phrase used of Pius' φίλοι by the rhetor Aristides);² and this includes citizenship for all. Now the drawing of non-Italians into the senate from an ever-widening circle had proceeded on such a scale from Trajan's day onwards that by Severan times this requirement of Dio's had been largely met (he was himself a perfect example); and the *Constitutio Antoniniana* was an achievement of the government with which he had been connected. Here, then, he is reviewing the development of the Empire and expressing, by implication, his pride in the Severan part in that development;³ and partnership in rule is explicitly laid down as a principle of government.

Presently Dio makes another plea, for a unified system of provincial organization. The Empire, including Italy, is to be divided into small provinces of equal size, each capable of being governed by a single official of consular rank and two subordinates of praetorian.⁴ This goes beyond anything that had so far been done (though in certain respects, particularly the change in the status of Italy, the Severans were moving towards it), and must be Dio's own proposal. Not until Diocletian was the matter taken in hand (and in a way not altogether unlike the historian's suggestion), but it was already exercising the mind of one at least of the Severan counsellors.

Another scheme adumbrated is that of public education for the sons of the governing class, first in school subjects and later in horsemanship and arms, to cultivate integrity and usefulness in the public service; state-salaried teachers of these subjects are to be provided in large

¹ Ib. 14, 3.

² Ib. 19, 2-3.

³ Though he gives cynical reasons for it later, as part of his effort to blacken Caracalla.

⁴ Ib. 22, 1-3.

numbers.¹ This idea of Dio's did not come to fruition. Teachers benefited from certain bonuses and exemptions, and there were state chairs at the principal universities; but that was as far as the system got. The purpose underlying the scheme is clearly to contribute to the formation of a firm and reliable governing class.

The last of Dio's suggestions that we need consider is for a homogeneous taxation system. The proposal is twofold: every penny of wealth that can be spared is to be turned into agricultural subsidies (Dio is much concerned to ensure that the land shall be kept in cultivation), and a regular tribute is to be imposed on *πᾶσιν ἀπλῶς τοῖς ἐπικαρπίαν τινὰ . . . παρέχουσι*.² This bears no resemblance in detail to *iugatio-capitatio* as it was established by Diocletian,³ but it has the same kind of bold sweep, and shows once more the early third-century statesman exercised by a problem that was destined to wait till after the invasions and usurpations for its solution.

The Roman Empire is commonly—and not untruly—said to have been living on its capital of ideas. It did not evolve rapidly enough to keep pace with changing economic conditions and the great shifts of the barbarian world outside: it lost its intellectual adaptability, and tended not to see the problems until it was too late to solve them. The conservative temper of its leaders emerges again and again from a study of their activities as members of the *consilium*: they were after all an oligarchy of 'haves', committed to preserving the traditional pattern of society; and the education they received opened up no new paths for their minds (Dio's own proposals for state education are significantly narrow in *content*, and differ little from that of the ancient Persians).

However, the picture can easily be painted too black. They did have ideas; they did tackle problems; of their limited intellectual capital they made not unfruitful use, and did their best with the details, for all that they lacked the courage to alter the framework. Calumny has naturally pursued them, for they were men of tremendous power, and some of them misused it. But 'regere imperio populos' was a task that no emperor could undertake single-handed. Dio is right; helpers were required and to them must belong much of the credit for the success which Rome made, on the whole, of her imperial mission.

¹ Dio LII, 26, 1-2.

² Ib. 28.

³ But note that Seston, *Dioclétien et la tétarchie*, I, *Guerres et réformes*, 293, emphasizes the basis of Diocletian's system in essentially Roman tradition.

APPENDIX I

PARTICIPATION OF AUGUSTUS AND TIBERIUS IN SENATORIAL DEBATES

In Chapter II it is said that one great advantage of the senatorial committee was that it enabled Augustus to avoid undignified scenes in the senate, unlike Tiberius. The extent to which the two emperors spoke in the senate at all is relevant to this, especially in view of a remark of von Premerstein,¹ who believes that the introduction into the senate of the resolution which became the S.C. Calvisianum of the fifth edict of Cyrene by the consuls and not the emperor himself must have been due to some extraordinary circumstance, because 'unlike many later emperors, who, even when they were present in the senate, had their resolutions read out by one of the quaestors at their disposal, Augustus regularly presented his motions by word of mouth'.

The evidence for Augustus' practice is as follows:

Suet. *Div. Aug.* 34: Opposition over the marriage-legislation is mentioned, but there is no explicit statement here that it was manifested in the senate.

Ib. 35: Augustus was present at the *lectiones* (these were not in the strict sense 'meetings' of the senate, but they are relevant). He regularly called for opinions *de maiore negotio*. This must imply that when major issues were afoot he took over the function of the consuls and made the *relatio* himself.

Ib. 37: Here Suetonius records the refusal of a request of Augustus in the senate; but it was made to be refused.

Ib. 53, 3: The emperor was a regular attendant at senatorial meetings. Indeed, when he was so insistent on the attendance of others he could not decently fail to be there himself; but it does not follow that he spoke so regularly.

Ib. 54: This is the *locus classicus* for Augustus' altercations with the senate. It consists of three statements. (a) Two sharp remarks were made to him 'in senatu verba facienti' ('verba facere' = 'relationem facere'). Suetonius does not say this often happened: he may be thinking of a single specific occasion and characteristically putting it in

¹ In ZSS XLVIII (1928), 482 (based on Mommsen, *StR* II³, 897 n. 3).

a way which might be taken to imply that it was regular. (b) He left the chamber on one occasion 'ob immodicas disceptantium altercationes', but the argument may not have been with him but between two senators. (c) Antistius Labeo was rude to him at one of the *lectiones*.

Ib. 56, 3: Augustus consulted the senate as to his proper behaviour in the trial of Nonius Asprenas. In the end he was present at the trial, but carefully refrained from speaking.

Ib. 58: He was present and made a personal reply when the name 'Pater Patriae' was bestowed upon him.

Ib. 84: He read his speeches in a highly formal manner, though by no means incapable of extemporizing, and took pains over his elocution.

Ib. 89: He read whole books to the senate, such as Metellus' speech 'de prole augenda' and Rutilius' 'de modo aedificiorum'. Again Suetonius invites the reader to infer that Augustus was always doing this kind of thing. But the two instances he gives may well be the only two: the former was certainly part of his introduction of the marriage legislation,¹ the latter probably on the occasion of a sumptuary proposal.

Dio LIII, 3: Augustus read his speech of abdication in 28.

Ib. 31: In 23 he tried to have his will read out, but for some reason was deprived of the chance.

Id. LIV, 14: This is the trouble over the *lectiones* again.

Ib. 15, 7: Dio's version of the Labeo incident.

Ib. 16, 2: An argument over the adultery legislation.

Id. LV, 24, 9: Augustus γνώμην ἐς τὴν βουλὴν ἐσήνεγκε (= 'relationem fecit') concerning the *aerarium militare* and ways and means of financing it.

Id. LVI, 41, 3: Tiberius is made to say in his *laudatio* that Augustus regularly expressed his *sententia* with the rest and took part in divisions.

Mommsen, loc. cit., quotes three occasions when Augustus is expressly stated not to have spoken. Once he absented himself and sent a quaestor with a message because of his shame at the disgrace of Julia;² at another time he was prevented by throat trouble from introducing a resolution about army discharge and gratuities;³ and in his old age it appears that Germanicus was his regular spokesman in the senate.⁴ To these examples must now be added the case of the S.C. Calvisianum.

Von Premerstein's conclusion that there must have been something

¹ Livy, *Per.* LIX.

³ Dio LIV, 25, 5.

² Suet. *Div. Aug.* 65, 2.

⁴ Id. LVI, 26, 2.

amiss for Augustus not to introduce this himself can now be examined in the light of the evidence. Of course, he may have had another attack of catarrh; that will never be proved or disproved. But the premise on which the conclusion rests—that Augustus normally introduced his own measures—needs some qualification. *Maiora negotia* he certainly proposed, and with a formal, dignified and perhaps long set speech. They seem to have included the major items of the social programme, the reorganization of military finance, and the revision of the senate. On one or two occasions he was involved in argument, but there is no warrant for thinking it happened often: the one instance recorded by both Suetonius and Dio is connected with the ostentatiously intransigent Labeo and the notoriously thorny matter of the *lectio senatus*. Von Premerstein may be right about the S.C. Calvisianum, or it may not have been regarded as a 'maius negotium'—the particular case does not much matter. What is important is that Augustus did not waste his time and vocal powers on everyday matters (except merely to give a *sententia*, which is quite different), and when he did speak he was prepared. Thus he avoided endangering his *auctoritas* by participating in squabbles. It is true that he did not always escape a quarrel, but there were some matters so inflammable that no one could have avoided an explosion.

In comparing Tiberius' behaviour with this it is necessary to bear in mind that Tacitus' *Annals* are a much more copious and hostile source than anything we have for the reign of Augustus. Nevertheless, it is hard to imagine that astute diplomat being caught by some of the traps into which Tiberius fell. To begin with, Augustus took care as regards many subjects not to discuss them with the senate at all; but for his successor nothing was too small to be taken before the senate, and nothing too large, even such vital subjects as finance, army regulations and foreign policy.¹

Thus Tiberius made two mistakes, one by consulting the senate on major issues about which his decision was bound to have been taken already, so that its lack of real freedom of choice was only underlined, and the other by entering personally into trivialities which diminished his *auctoritas*. At first he tried to leave all the initiative to the consuls, in an effort at republicanism; but almost at once he found himself involved in embarrassing scenes with Valerius Messalla and Asinius Gallus, apparently through inability to anticipate what was coming and have

¹ According to Suet. *Tib.* 30; cf. Dio LVII, 7, 2.

a tactful reply on his lips.¹ He frequently rushed into speech unrehearsed, though from time to time we hear of set speeches.² His normal practice is shown by a negative instance; on one occasion he apologized to the senate for communicating with it by letter, remarking that whereas normally he would have come and spoken in person, this was a special case.³

Tiberius' mistaken policy led him to make invidious speeches;⁴ involved him in foolish and undignified altercations about trivialities;⁵ forced him to listen to galling home-truths,⁶ and invested his occasional silences with an unintended pregnancy.⁷ Above all, he was continually intervening in judicial proceedings, which Augustus had taken special care to avoid.⁸ His effort was usually to mediate and moderate, but his undoubted struggle against delation would have been more effectual if it had been exercised behind the scenes instead of on the senatorial stage, in the glare of a publicity only too eager to misrepresent him. Two passages of Suetonius show how ludicrous his efforts were liable to become, a speech in which the emperor tried to be impossibly 'republican',⁹ and a description of the most foolish scene of all, when, in a division of the House, Tiberius walked into the opposition lobby and was followed by no one.¹⁰

In this difference between Augustus and Tiberius the senatorial committee played a part.¹¹ It enabled Augustus to test, to formulate and to anticipate, to allow certain proposals to be steered through the senate by others, so as not to be continually intervening himself, and to give a special *auctoritas* to such measures as he did choose to initiate. These were the advantages, inherent in a purely probouleutic committee, upon which Tiberius turned his back.

¹ Tac. *Ann.* I, 8, 11-12.

² Ib. I, 52; II, 36; IV, 4, 8, 37.

³ Ib. III, 53. For other letters, see III, 32, 35, 47, 56.

⁴ Ib. II, 38; III, 24.

⁵ Ib. I, 74; II, 36; III, 70.

⁶ Ib. IV, 42.

⁷ Ib. I, 77; II, 35.

⁸ Ib. II, 29; III, 12, 17, 51, 69; IV, 30.

⁹ Suet. *Tib.* 29.

¹⁰ *Tib.* 31.

¹¹ See H. M. Last in *JRS* xxxiii (1943), 104-5.

APPENDIX 2

THE 'ACTS OF THE PAGAN MARTYRS'

The publication of Fr. H. A. Musurillo's book *The Acts of the Pagan Martyrs*, Oxford, 1954, makes it unnecessary to give an elaborate account of these documents; nevertheless, for the guidance of readers of the present work a few remarks may be helpful.

1. Of the older literature the most important items are:

(a) U. Wilcken, 'Zum alexandrinischen Antisemitismus', *ASAW* xxvii (1909), 800-839, the first complete treatment of *BGU* 511 and other major fragments.

(b) H. Niedermeyer, 'Über antike Protokoll-Literatur' (Diss. Göttingen, 1918), with a discussion of the genuineness of the 'Acta', and containing some excellent, though brief, remarks on the *consilium*.

(c) A. von Premerstein, 'Alexandrinische und jüdische Gesandte vor Kaiser Hadrian', *Hermes* lvii (1922), 266-316, the text of the 'Acts of Antoninus' in their two versions.

(d) Id. 'Zu den sogenannten alexandrinischen Märtyrerakten', *Philologus*, Suppl.-Bd. xvi, Heft 2 (1923), with a useful system of nomenclature for the principal groups.

2. Two general estimates of the whole corpus are important for any consideration of its value as a historical source:

(a) C. B. Welles in *TAPA* lxvii (1936), 7-25.

(b) H. I. Bell in *Journal of Juristic Papyrology* iv (1950), 19-42.

3. The main groups of fragments (with von Premerstein's nomenclature where it exists) are as follows:

(i) A long account of a supposed discussion involving the Emperor Gaius and Isidore (*G*).

(ii) A conversation between Isidore and Flaccus, the prefect of Egypt (*O*).

(iii) The 'Acts of Isidore and Lampon' (*A*).

(iv) The trial of an unknown before Titus (published by C. H. Roberts in *JRS* xxxix (1949), 79-80).

(v) The 'Acts of Hermaiscus' under Trajan (*P*).

(vi) An advocate's denunciation of a certain Maximus, perhaps Vibius Maximus, prefect of Egypt in 113 (*P. Oxy.* 471).

(vii) The 'Acts of Antoninus' under Hadrian, of which there are

two versions, one notably different in character from all the rest and apparently nearly contemporary with the events it purports to describe (*Ba, Bb*). Also under Hadrian the 'Acts of Athenodorus' (*P. Oxy.* 2177).

(viii) The 'Acts of Appian' under Commodus (*C*).

(ix) The impeachment of Heraclitus, prefect of Egypt, over the Alexandrian troubles of 215 (*P. Benoît and J. Schwarz in Études de Papyrologie VII, Soc. Fouad Ier. de Papyrologie (Cairo, 1948), 17-33*).

4. When the earliest fragments were published, their editors took them for copies of official documents—*commentarii*, in fact, of proceedings before the emperor and his *consilium*. Later, however, other scholars, notably von Premerstein and Niedermeyer, adduced many cogent reasons for rejecting this view, and as new material piled up it has become customary to regard the 'Acta' as a *genre* of sensational propaganda-literature resting on a tenuous foundation of genuine protocol.

Perhaps the foundation may be a little firmer than is now generally supposed; at least, recent publications have made the dividing line between fact and fiction increasingly difficult to draw. One document, for example,¹ which was formerly defended as a genuine protocol and not part of the 'Acta',² must now in all probability be lifted over to the other side of the fence;³ and, as has been suggested elsewhere in this work,⁴ the Dmeir inscription goes some way at least to corroborate the tone of the 'Acta'—had it appeared as a few scraps of papyrus it might well have been seized upon for inclusion in that corpus.

It is difficult to think that such men as Tarquinius, Aviola and Vestinus could have been introduced out of general historical knowledge by a third-century compiler. Isidore is unquestionably a historical character; so, no doubt, are the rest of the protagonists, and so are their trials and executions, in the reigns in which the 'Acta' put them. Dates, names, and summaries of the public parts of the trials were available in the *commentarii*; more subjective details might be got from the reports of the embassies, when preserved. These elements the compiler has used, painting in the background with sufficient verisimilitude to satisfy the contemporary reader, and mingling with them fiction and rhetoric to suit the taste of his age and to further his purpose of inciting anti-Roman sentiment.

¹ *P. Oxy.* 471 (see vi above).

² See Wilcken in *Arch. für Papyrusforschung*, III, 117; O. W. Reinmuth, 'The Prefect of Egypt', *Klio*, Beiheft xxxiv (1935), 3; Coroi in *Atti del IV Congr. papirol.* 397-400.

³ See Schubart, *Griechische literarische Papyri* (*Ber. sächs. Ak. Wiss.* xcvi, 5, 1950), 84-6.

⁴ See above, Ch. vi, p. 84 and below, Appendix 4.

APPENDIX 3

‘EPITOME DE CAESARIBUS’ 14, 11 AND THE NATURE OF HADRIAN’S REFORMS

‘Officia sane publica et palatina nec non militiae in eam formam statuit quae paucis per Constantinum immutatis hodie perseverat.’ (*Perseverant*, codd.)

It would be of great value if the meaning of this difficult sentence could be elucidated. It cannot, as will appear; but at least it is possible to examine the nature of the problem, an inquiry which is in itself important, and does not seem to have been attempted properly by those who have quoted the sentence for one purpose or another. The crux of the matter lies in the meaning to be given to the word *officia*. Without prejudice to subsequent discussion, there may be said to be three main possibilities:

(a) The ‘offices’ in the common technical sense of the late Empire, i.e. the subordinate personnel of the civil service departments, excluding their heads, the great functionaries.

(b) The ‘bureaux’ in what appears to be the second- and third-century sense, i.e. the departments entire, including their heads.

(c) ‘Duties’ or ‘functions’.

Now at first sight the obvious choice for this passage would be sense (a). It is part of the official terminology of the post-Constantinian Empire, especially in the phrases *officium palatinum*, *off. publicum*, *off. militare*.¹ We can begin, therefore, by taking the passage in sense (a), and considering whether it can be shown that Hadrian had an influence on the *officia* in this sense, or that a fifth-century writer might reasonably have thought he had.

At the beginning of the principate there were two kinds of office organization,² that of the army units—and so also of the provincial governors—and that of the imperial secretariates. The former were staffed by free men, soldiers seconded from field duties; the latter by freedmen and slaves of the imperial *familia* (and as a good deal of their activity was financial it looks as though their organization may have

¹ See, for example, in the first book of the Theodosian Code, 1, 10, 8, 13²; 1, 14, 1, 7; 1, 27, 2, 9. (*Cod. Theod.* is hereinafter quoted by the lines of Mommsen’s edition, as in the Heidelberg Index.)

² On the whole subject see A. H. M. Jones in *JRS* xxxix (1949), 42–9.

been modelled on the offices of the *publicani*).¹ At some time these two kinds of organization were to a certain degree fused or unified; at least in the late Empire military terminology predominates, and *militia* becomes the regular word for a post in the civil service.² Who was responsible for this change? E. Stein thought Hadrian;³ Hirschfeld thought Septimius.⁴ Doubtless both emperors played a part; but it is not easy to distinguish that of Hadrian, because the epigraphical material is often undated, and also because there are from the beginning certain links both in terminology and in fact between the two kinds of *officium*.

The chief ranks in the military *officia* are the *cornicularius* and *commentariensis*; then come *speculatores* and *beneficiarii* (men seconded for a variety of duties). These are all *principales* or N.C.O.'s of the legion, but their *officium* is under the general charge of an officer i/c records, *princeps prior*, the second centurion of the legion (regularly known as *princeps praetorii*).⁵ This pattern reappears almost exactly in the *Notitia*—*princeps*, *cornicularius*, *adiutor*, *commentariensis*⁶—and the *officium* of Justinian's new *praef. praet. Africae* probably comes to much the same thing—*scrinium primum*, *scr. secundum*, *primiscrinus* (= *sub-adiuva*), *commentariensis*.⁷ Now the *princeps* is paralleled in the civil bureaux, whose *tabularii*, *dispensatores* and the rest are under the control of a *princeps tabularius* or *praepositus tabulariorum*. Moreover, the *commentariensis* or *a commentariis* plays a great role in the civil as well as the military *officia*. So much for the links of nomenclature. The link of fact is to be observed in the position of procurators, who begin as purely civil officials, but in some cases come to command troops, *vice praesidis* or for special purposes, and to share military functions with the governor.⁸ It is not until Severan times that they are found engaging in any extensive military activity; but already in Trajan's reign the procurator of Bithynia has *beneficiarii* under his control,⁹ and later we find, for example, a *cornicularius* of the Ostian *proc. annonae*.¹⁰

¹ Mommsen puts all this in a nutshell in 'Ostgothische Studien' in *Ges. Schr.* vi, at 404f. (with the relevant notes). On the connexion with the *publicani*, see Hirschfeld, *Vb*² 460.

² Observe, however, that in the *Notitia Dignitatum* there is still a striking distinction of terminology between the financial *officia* (e.g. *off. comitis largitionum*, Or. xiii) and the rest, which have a uniform military pattern.

³ *Unters. über das Officium der Prätorianerpräfektur*, 15.

⁴ *Vb*² 464.

⁵ For his duties, see Vegetius II, 8.

⁶ See, for example, *officium praef. praet.*, Or. III.

⁷ *Cod. Just.* I, 27, 1, 22–5.

⁸ No doubt this development was helped by the existence at the same time of the *procurator et praeses* in charge of certain minor imperial provinces.

⁹ Pliny, *Ep.* x, 27–8.

¹⁰ *ILS* 1428. On all this see Hirschfeld, *op. cit.* 457–65, and the indexes of *ILS*.

The principal argument against any major reorganization of the bureaux by Hadrian is that slaves and freedmen continue in the *officia* until the third century.¹ If, however, a case were to be made for his activity in this sphere, it might well rest on a rather different basis. With Hadrian we begin to observe a great increase in the civil activity of the praetorian prefects,² particularly in connexion with the law. Now, as Mommsen observed, the members of the prefect's *officium* have in certain inscriptions of the second century a higher status than others;³ there are several *a commentariis* who seem to be *equites*, and one would expect the *cornicularius* to be so *a fortiori*—and there is at least one case of this, though his normal promotion continues to be to the legionary centurionate. Furthermore, a sixth-century tradition, represented by Johannes Lydus, regards the prefect's *officium* as the one from which all the others sprang.⁴ Lydus is of course wrong about this; but it is significant that he and his contemporaries should have believed it. One additional point may support this case: Suetonius wrote a *de Institutione Officiorum* (only mentioned once);⁵ it was not important enough to be quoted by the jurists, but that such a treatise was produced at that time adds some corroboration to the view that Hadrian did concern himself with the *officia*, or at least with that of the praetorian prefect.

If this is what the *Epitome* means, our passage is irrelevant to the history of the *consilium*. But we have next to consider the possibility that *officia* may be taken in a sense other than (a).

There are a number of references in the Augustan History to *principes officiorum* and *magistri officiorum*,⁶ their contexts making it plain that these terms are synonymous. One case⁷ is particularly significant when compared with two third-century texts, *Cod. Just.* 9, 51, 1 and the Dmeir inscription.⁸ It shows that the *principes* (= *magistri*)⁹ *officiorum* are not subordinate officials, head clerks, but men entitled to

¹ Hirschfeld, op. cit. 464.

² See Ch. v, pp. 62–3.

³ *StR* 11³, 1122 n. 1.

⁴ Lydus, *de Mag.* 11, 7.

⁵ By the grammarian Priscian, 6, 41.

⁶ SHA, *Marcus* 8, 10; *Niger* 12, 7; *Heliog.* 20, 2; *Alex.* 32, 1; *Gall. Duo* 17, 8. And cf. *Aelius* 4, 7; *Alex.* 26, 6.

⁷ *Gall. Duo* 17, 8, 'cum iret ad hortos nominis sui omnia palatina officia [here 'officials'] sequebantur. ibant et praefecti et magistri officiorum omnium.'

⁸ For these texts see Ch. vi, pp. 82–3. They give us, at the *salutatio*, *praefecti praetorio*, *amici* and *principes* (or *principales*) *officiorum*.

⁹ A. E. R. Boak in 'Roman *Magistri*', *Harv. Stud. Class. Phil.* xxvi (1915), 113f. insists correctly that *magister* in these contexts is an anachronism. *Princeps* was the contemporary word. I do not think that *Alex.* 32, 1 implies any contrast between them. References in the SHA to *mag. scrinii* also mean the same thing.

the *salutatio* after the prefects; they are in fact the heads of the bureaux, the *ab epistulis* and the like, corresponding to the great Palatine officers of the late Empire. The Augustan History, then, is using both *princeps* and *officia* with a meaning different from the technical post-Constantinian terminology—in the third-century sense, in fact; *officia* means 'the bureaux' in sense (b).

More closely relevant, however, because closer to the *Epitome* in date, is the evidence of the Theodosian Code. A study of its use of the word *officium* produces a wide variety of senses and shades of meaning, sometimes tumbling over one another in close juxtaposition. The principal meanings are these:

- (i) A post, or official position.
- (ii) 'Office' in sense (a).
- (iii) An official.
- (iv) 'Duty' or 'function'. In this sense also are to be found the phrases *officia palatina* and so on.¹

In view of the existence of this last usage in the Code (though no one would pretend that it is nearly as common as usages (i) and (ii)) we are justified if we wish in taking *officia* in the *Epitome* in sense (c). Without violence to contemporary usage, the sentence may be rendered: 'Hadrian laid down the duties (functions) of the court, administration and armed forces on lines which . . .'. Taking it, then, in this sense, can it be shown that Hadrian had such a kind of influence? This looks at first sight like *carte blanche* to drag in every alleged reform ever credited to that emperor, but we shall try to be as specific as possible.

The first thing that occurred to the early commentators on this passage of the *Epitome* was to quote by way of parallel the *Scriptores Historiae Augustae*, 'ordinatis et officiis et impendiis',² from the life of Hadrian. Now this chapter of Hadrian's biography is about his reform of army discipline, and the context makes it quite clear that *officia* here has sense (c), and means 'duties';³ so that if the *Epitome* is to be taken in sense (a), the phrase in the *Scriptores Historiae Augustae* must be abandoned as a parallel. Although it is impossible ultimately to disentangle the sources of the Augustan biography of Hadrian, the curious

¹ The clearest example is *Cod. Theod.* 6, 22, 6 (A.D. 381), which refers to those who are 'officiis publicis atque militiae muneribus expertes, quos habent secretae quietis umbracula'. But see also 1, 10, 5, 4; 7, 13, 13, 3; 8, 4, 1, 3; 8, 5, 23, 3, 'ab omnium se civilium et publicorum officiorum ministerio removerunt emeritis officiis palatinis'; 12, 1, 15, 3.

² SHA, *Had.* 10, 3.

³ Correctly so translated by D. Magie in the Loeb edition.

details that follow suggest that here the source is Marius Maximus, and his contemporary Dio makes a remark which is also often quoted in this connexion:¹ οὕτω καὶ τῷ ἔργῳ καὶ τοῖς παραγγέλμασι πᾶν τὸ στρατιωτικὸν δι' ὅλης τῆς ἀρχῆς ἡσκήσε καὶ κατεκόσμησεν ὥστε καὶ νῦν τὰ τότε ὑπ' αὐτοῦ ταχθέντα νόμον σφίσι τῆς στρατείας εἶναι. Here again it is general rules of discipline which are in point, and certainly in this respect Hadrian's activity was long-lived. Vegetius, probably a contemporary of the author of the *Epitome*, says that the constitutions of Augustus, Trajan and Hadrian are authorities for military affairs,² and the *Digest* quotes from Arrius Menander some rescripts of Hadrian on military law.³ The fifth-century army organization bears no appreciable resemblance to that of the second century, so that on the whole it looks as though, in the military sphere, the part of Hadrian's activity that survived was his constitutions preserved in the manuals of military law.⁴

So much, then, for *officia militiae*. What about *officia publica et palatina*, and Mommsen's guess that the reference is primarily to the resemblance between Hadrian's *consilium* and the *consistorium*? It has been argued in Chapter v that the specific evidence hardly bears out the view that there was much resemblance between them; but a number of developments occurred at some time during the second century which, if the author of the *Epitome* supposed them, whether rightly or wrongly, to go back to Hadrian, would certainly give him some reason for seeing such a resemblance.

It is well known that the most permanent and influential members of the *consistorium* were the heads of the civil service—the *quaestor*, the *magister officiorum* and the two *comites* in charge of the financial organization. The executive, in fact, had won the battle for ultimate

¹ Dio LXIX, 9, 4.

² Vegetius 1, 8; 27.

³ *Dig.* 49, 16, 5, 6 and 8. Menander (33) wrote *Libros iv de re militari*; he was a *consiliarius* of Septimius (*Dig.* 4, 4, 11, 2), and therefore a contemporary and probably an acquaintance of Dio, who also served on the *consilium*. Dio's remarks about Hadrian's army reforms may well derive from this treatise, and it seems to me possible that Vegetius may have acquired his knowledge of Hadrian's constitutions from the same source, though the commentators always assume that he got it from Tarrutenius Paternus. He appears to me to quote the constitutions as a source additional to Cato, Celsus, Frontinus and Paternus (1, 8).

⁴ For the conclusion that Hadrian did not alter the army organization see J. Plew, *Quellenunters. zur Gesch. des Kaisers Hadrian*, 64 and 84; Parker in *CQ* xxvi (1932), 139. B. d'Orgeval, *L'Empereur Hadrien*, 381, gives the game away: 'les règlements qu'il a conçus...marquaient une date dans l'histoire militaire de Rome. Malheureusement, ils nous échappent en grande partie.'

power. Now the heads of the civil service in the second century did not have the same titles or the same functions, but at some stage they seem to have received places *ex officio* upon the *consilium*. Freedmen could not be *amici principis*, so we shall not expect to find the heads of the bureaux on the *consilium* until those posts are mostly equestrian—that is at least from Trajan's time onwards.¹ This, then, is one terminus; the other is the reign of Caracalla, since the Dmeir inscription and its counterpart in the *Codex* show that by his time the *principales officiorum* were regularly present at sessions of the *consilium*. It may be possible to reduce the distance between these extremes by reference to another passage in the *Scriptores Historiae Augustae*;² Marcus gave Verus, when he departed for the East, a suite, 'additis officiorum omnium principibus', and in view of his insistence that his brother should have equal rights this was probably intended as a full-scale *consilium*. It looks as though the *principes officiorum* have achieved a place *ex officio* on the *consilium* by the reign of Marcus, but further back we cannot go.

The position is exactly the same with regard to the *consiliarii*.³ For their existence also the earliest evidence only goes back to the time of Marcus.

There is, moreover, a third case which is on a similar footing. In the first century the praetorian prefects were regularly turned to by the emperors as advisers in the sphere of politics and administration;⁴ by the third century, though their activity in this sphere is no less, their most notable function is in connexion with the legal *consilium*. How far back can this development be traced? Certainly to Marcus, who 'habuit secum praefectos, quorum et auctoritate et periculo semper iura dictavit'.⁵ Marcus' prefects were not on the whole jurists, so that their connexion with the legal *consilium* must result from their office rather than their personal qualifications. The same is true of Turbo, whom, according to Dio, Hadrian employed in the same way with equal regularity.⁶ So in this case there is some positive reason for carrying the development back to Hadrian; possibly Turbo's abilities created a precedent, and he ought to be regarded as the father of the 'jurist-prefects'.

¹ Tacitus' sneer in *Ann.* xii, 1, 4 (see Ch. iv, p. 42) is sufficient demonstration.

² SHA, *Marcus* 8, 10; see Ch. vi, p. 73 and n. 1.

³ See Ch. v, p. 60 and Ch. vi, pp. 73-4.

⁴ See A. Passerini, *Le coorti pretorie* 261-2.

⁵ SHA, *Marcus* 11, 10. See also Ch. vi, p. 70.

⁶ Dio LXIX, 18, 2.

By the fifth century the prefects had changed entirely in function—though the *praesentalis* was available for meetings of the *consistorium*. Nevertheless, if we conjure up a picture of Hadrian's *consilium* (as the author of the *Epitome* may well have done) with all the second-century developments attributed to Hadrian, and chief secretaries, prefects and *consiliarii* all sitting on it *ex officio*, we can see clearly how a fifth-century historian might persuade himself that Hadrian had established the duties of the Palatine officials along the lines which survived to his own day. But the *Epitome* may well be wrong, and the rest of the evidence does not amount to proof.

As to *officia publica*, this might mean public posts, and there are three which may be relevant. It is regularly conjectured,¹ though again without conclusive evidence, that Hadrian created a new secretarial bureau, the *a memoria*, which became in the course of time the most important of them all, so that in the late Empire the clerks of the *officium memoriae* were called *officiales*, as it were *par excellence*. Secondly, there are the *agentes in rebus*; Aurelius Victor and Saint Jerome recognize their descent from the *frumentarii*,² whose establishment the Augustan History attributes by implication to Hadrian.³ In the third place, the Augustan History purports to know that Hadrian created the post of *advocatus fisci*,⁴ whose holder became of importance in the fourth century under the title of *advocatus* (or *patronus*) *fisci summae rei*. All these are things which might have been present to the mind of the author of the *Epitome*, and led him to compare Hadrian's government with that of his own day.

But it must be emphasized in conclusion that we cannot be sure what he meant (possibly even all these meanings of *officia* were in his mind at once), and still less whether he knew what he was talking about. The *Epitome*, in fact, cannot be used as independent evidence, and where the rest falls short it must not be blandly brought in to redress the balance.

¹ See *RE*, *a memoria* (Fluss); Hirschfeld, *op. cit.* 334–8.

² Victor, *Caes.* 39, 44; Hieron. in *Abdiam*, ad vv. 17–18 (Migne, *PL* xxv, 1165).

³ SHA, *Had.* 11, 4.

⁴ *Ib.* 20, 6.

APPENDIX 4

Παρησία

The significance of the Dmeir inscription, described above in Chapter VI, was observed by Carcopino,¹ who apparently had information about it before it was published. It bears upon a matter not irrelevant to the present subject, which demands more than a note for its adequate treatment.

The principate undoubtedly involved a loss of *libertas*; but as regards personal freedom of comment by the ordinary man, a good deal too much has been made of this (it is all too easy to be over-influenced by Tacitus). In particular, notwithstanding the ramifications of court ceremonial, the common man of the first and second centuries, at least, does not seem to have been overawed or afraid to speak his mind in the presence of the emperor and his *consilium*. Polycrates' fisherman was invited to dinner; Juvenal does not say the same about Domitian's, but at any rate the man was admitted to present his gift personally, while his betters waited outside.

Freedom of speech permitted to the ordinary man in the imperial presence was a sound piece of propaganda. In fact, *patientia* of this sort, while not one of the major imperial virtues, does play a part in the Panegyrics. Thus, in Pliny's consular oration Trajan is 'iustissimus, humanissimus, patientissimus'; he shows 'nulla in audiendo difficultas', and listens to foreign deputations carefully, with an interpreter.² And in the later Panegyrics the same theme appears, 'faciles aditus, aures patientissimas, benigna responsa', and the like.³

This *patientia* and its corollary, παρησία, are a notable characteristic of our literary accounts of imperial *cognitiones*. Many of these passages are highly embellished and come from sources not favourably regarded as historical evidence, but the discovery of the Dmeir inscription goes some way to confirm the possibility, at least, of the situations they claim to report.

The Dmeir protocol was described in Chapter VI as 'unassailably genuine': this should be qualified by the observation that it may be a

¹ J. Carcopino, *La Vie Quotidienne à Rome*, 336 n. 82. And see A. Passerini in *Studi Ciapessoni* (Stud. Ghisleriana Ser. 1), 198-9.

² Pliny, *Pan.* 59, 3; 79, 6; 56, 6.

³ *XII Panegyrici*, ed. W. Baehrens, IV, 34, 4; cf. 4, 5; V, 5, 3; 9, 4.

shortened version. The early part looks complete and detailed enough; but the entire half-hour's oration by counsel for the prosecution, to say nothing of the defendant's reply and the judgment, can hardly have been crowded into the third panel. We cannot, indeed, be sure that the case was not brought to a summary conclusion by the emperor; but it is equally likely that the Goharenians only had inscribed on their temple the parts of the proceedings that interested them.

The largest source of documents purporting to be reports of imperial *cognitiones* is the 'Acts of the Pagan Martyrs'. It must be borne in mind, in comparing them with the new inscription, that they are mostly criminal proceedings (though not the highly fanciful 'Acts of Hermaiscus', which concern the reception of a pair of embassies), whereas the Dmeir text records a civil case in which there is no direct criticism of the regime. But from the point of view of general irreverence and mutual repartee between the parties the comparison is well worth making.

The first version of the 'Acts of Antoninus' is particularly important, because it was written more or less contemporaneously with the events it describes, and is generally agreed to bear more of the stamp of a genuine document than the rest of the corpus.¹ In it, an Alexandrian Greek embassy reports a long contest with a rival body of Jews before the Emperor Hadrian, apparently not long after his accession. The first notable thing is the impartiality of the emperor. The Jewish struggles that devastated the Levant are scarcely over, yet Hadrian, though inclined to suspect the Jewish ambassadors of prevarication, is equally sceptical of the Alexandrian case. Mention is made of a mimic king set up by the Greeks to make game of the Jewish rebels, and Hadrian exclaims, [τ]αῦτα ἐν ταῖς τ[οι]αύταις πα[ρ]α[ρ]άξουσ[ι] γείνε[τ]αι,² in evident disgust at the triviality of such a performance in a time of crisis. He then himself introduces another matter which has been brought to his ears, the singing of seditious ballads by certain drunken Alexandrians. But his main concern is to keep the tone of the meeting within reasonable bounds. Thus, when the Jews claim that the Greeks have seized certain people from custody and assaulted them, the emperor says, [περὶ τ]ῶν πάντων σ[υ]νέγων | [ὁμῖν. Οὐκ Ἀλε]ξανδρεῦσι, ἀλλ[λ]ὰ τοῖς ποιή[σασι ταῦτα] δεῖ ἐ[πεξ]έρχεσθαι.³ And later, οὐ

¹ On the 'Acts of Antoninus' see von Premerstein in *Hermes* LVII (1922), 266–316, and Appendix 2 above.

² Col. I, 11–12.

³ Col. II, 10–12.

δύνασθε δὲ [σύμπαντος] | μισεῖν (sc. μισεῖν) Ἀλεξανδρεῖς.¹ Nevertheless, although Hadrian suspects that the responsibility for one particular offence lies with the Jews (on the evidence of his prefect's report),² when Antoninus on behalf of the Greeks is bold enough to insinuate that the prefect has consistently suppressed the Greek community's letters to the emperor, he is at once put to the torture.

The suppression of Alexandrian petitions by the prefect is a motif occurring elsewhere in the 'Acta';³ it may be a fiction, and so perhaps is the torture. However, one can see here the point at which the line was drawn: high words of a personal kind might be tolerated, but deliberate charges against men in authority—seditious slander, in fact—were not. This portion of the 'Acta' gives a moderate and plausible picture of an imperial *cognitio* on a grave political question, with the emperor endeavouring both to ferret out the truth and to discount the angry passions of traditional enemies.

Such other parts of the 'Acta' as bear on this subject have already been described elsewhere: they by no means exhaust the literary evidence. Certain passages in Philostratus also require attention, *imprimis* the trial of the great Apollonius himself.⁴ Conducted into the audience chamber, the sage ignores the emperor, and when told to direct his eyes upon the god, looks up to heaven. In spite of this studied disrespect, Domitian dismisses all but four counts of Apollonius' indictment and questions him upon those in turn: Apollonius answers straightforwardly enough, though at one point he is with difficulty prevented from launching into a τόπος on the causes of plague. His replies elicit some public applause, and the emperor pronounces an acquittal; but the sage, having hinted darkly at revelations of political corruption that he could make if he chose, ἠφρονίσθη τοῦ δικαστηρίου, doubtless to everyone's relief, as Philostratus says.

The 'Lives of the Sophists' contain at least four anecdotes of a similar kind, though none with quite as startling a conclusion. In one it is Herodes Atticus who comes into court frantic with grief at an accident to his loved ones, and after some insults to the emperor stalks out of court without using up his allowance of time. Nevertheless, Marcus continues to hear the rest of the case with unruffled patience.⁵ Leading an embassy from his native city Seleucia before Antoninus Pius,

¹ Col. III, 17-18.

² Ib. 20-24.

³ P. Oxy. 1089 (O, with von Premerstein's readings; see p. 133 above).

⁴ Vit. Apoll. VIII, 4-5.

⁵ Philost. VS II, 1, 28.

Alexander nicknamed Πηλοπλάτων observes the emperor's attention to flag during his peroration; πρόσχε μοι, Καῖσαρ, he shouts, and is answered by that mild man with some personalities, very much in the manner of the 'Acta':

‘προσέχω’, ἔφη, ‘καὶ ξυνήμι σου· σὺ γάρ’, ἔφη, ‘ὁ τὴν κόμην ἀσκῶν καὶ τοὺς ὀδόντας λαμπρύνων καὶ τοὺς ὄνυχας ξέων καὶ τοῦ μύρου ἀεὶ πνέων.’¹

The other two stories concern the Emperor Caracalla, and are therefore of particular significance in comparison with the Dmeir text. The sophist Heliodorus, forced to plead in unfavourable circumstances, enters an ingenious and unexpected plea nullifying his own suit; and the emperor, in delight at the novelty, bestows honours upon him; whereupon Heliodorus, taking advantage of this favouring breeze, asks for an appointment to deliver an ἐπίδειξις of his skill, and is told to begin at once, Caracalla himself propounding a subject:

μελετῶντι δὲ οὐ μόνον ἑαυτὸν εὖνουν παρεῖχεν, ἀλλ’ ἡτοίμαζε καὶ τὸν ἐξ ἄλλων ἔπαινον, φοβερὸν βλέπων ἐς τοὺς μὴ ξὺν ἐπαίνῳ ἀκούοντας.²

Finally, the precious Philiscus, having offended the emperor by the casualness of his manner, is subjected to a continuous barrage of interruptions, questions and personalities:

‘τὸν μὲν ἄνδρα’, ἔφη, ‘δείκνυσιν ἡ κόμη, τὸν δὲ ῥήτορα ἡ φωνή.’³

This last example is important as being a contemporary occurrence, for Philiscus was a member of that very circle of intellectuals frequenting the *salon* of Julia Domna, to which Philostratus himself belonged; this gives the story a greater probability of truth than the others, though in the case of Heliodorus Philostratus speaks as though he had been present at the session.⁴

What we have, in fact, is yet another example of the difference in manners between the ancient world and our own. Nowadays personal abuse destroys the *auctoritas* of the man who indulges in it more quickly than anything else; but the same was evidently not true in

¹ Philost. *VS* II, 5, 2.

² Ib. II, 32. L. Mitteis, *Reichsr. und Volksr.* 136, stresses the delight of Caracalla at finding a Greek able to handle the subtleties of an *exceptio praetoria*.

³ Philost. *VS* II, 30, 2.

⁴ Though it should be added that Caracalla had a reputation for repartee (Dio LXXVII, 11, 4; Herodian IV, 7, 2) and for boorish and ill-bred behaviour (Dio LXXVII, 11, 1^a) which he deliberately cultivated. Philostratus is portraying him as he liked to see himself.

Roman times, and it must not be too readily assumed that even the most extravagant exchanges of repartee in the 'Acts of the Pagan Martyrs' are necessarily impossible, or even improbable.

This Appendix will be completed with some passages referring more generally to the emperors' tolerance of *παρρησία*. We are not concerned here with the well-known efforts of almost all the first-century emperors to encourage free speech in the senate, but only with such references as bear upon the *consilium*. They fall into two groups, some referring to the *παρρησία* of parties and advocates in their pleas before the *consilium*, others to that of the members of the council *vis-à-vis* the emperor himself, both as regards judicial decisions and government in general. On a number of occasions, indeed, the *amici principis* are said to have stood dumb with horror when some dread proposal was presented for their acquiescence, but such was not always the case.

Though Augustus himself was inclined to be touchy,¹ the Julio-Claudians were no despots in this respect. Dio records the exemplary patience of Tiberius, who

ἐξ γε τὸ μέσον τὴν ἑαυτοῦ γνώμην τιθεὶς οὐχ ὅπως ἀντεπιπεῖν αὐτῇ παντὶ τῷ παρρησίαν ἔνεμεν, ἀλλὰ καὶ τάναντία οἱ ἔστιν ὅτε ψηφίζομένων τινῶν ἔφερε.²

That of Claudius emerges from a chapter of Suetonius³ and from Tacitus' incidental mention of the furious debate that raged over the Gallic senators—'*studiis diversis apud principem certabatur*'.⁴ No less tolerant of freedom in debate was Nero, to judge from that great wrangle '*de fraudibus libertorum*' of which Tacitus gives a *précis*;⁵ and even the unaccountable Gaius, in a matter which closely concerned his pride, did not refuse to listen to the plea of Philo's embassy, however unorthodox their reception.

Vespasian made a point of tolerating the frankness of his *amici* and the repartee of advocates, according to Suetonius.⁶ Domitian, if Juvenal is to be believed, was another matter,

cum quo de pluviis aut aestibus aut nimbo
vere locuturi fatum pendebat amici.⁷

But perhaps Juvenal is not to be believed: at any rate there is much exaggeration here.

¹ See the anecdote told by Plutarch, *Apophth. Reg.* 207 F.

² Dio LVII, 7, 2.

³ Suet. *Div. Claud.* 15, 3-4.

⁴ Tac. *Ann.* XI, 23, 2.

⁵ *Ib.* XIII, 26-7.

⁶ Suet. *Div. Vesp.* 13.

⁷ Juv. IV, 87-8.

Trajan, according to Pliny, took the utmost care not to behave tyrannically to his *amici*;¹ no doubt this implies listening to what they had to say. Hadrian, on the other hand, was suspicious of his *amici*,² but was very easy-going in judicial proceedings. The *Sententiae Hadriani* have a curiously and instructively nonchalant air, and the impression of informality is heightened by the information of the *Digest* that Hadrian was accustomed to undertake the interrogation of witnesses himself.³ Also relevant is the papyrus fragment of an address to the same emperor, which includes the words

ἀλλὰ | καὶ παρέστη δικάζοντί σοι πολλά|κίς καὶ ἐφθέγξατο ἐπὶ σοῦ
καὶ ἀπέ|λαυσεν ἥς ἅπασι μεταδίδως τοῖς | λέγουσι παρρησίας.⁴

Antoninus Pius was patient with the frankness of his *amici*,⁵ and Marcus only too glad to receive their advice,⁶ while as for the tolerance of Septimius, it is both directly attested by Dio⁷ and implicit in those discussions within the *consilium* which were recorded by Paulus and found their way into the *Digest*.⁸

The reality of this degree, at least, of freedom of speech under the Empire is important to bear in mind. The air of the despot was softened by the air of the magistrate;⁹ and however bloodily their hands might fall on the great ones who wove the webs of court intrigue, there is no reason to think that the emperors failed to accord the average man a fair hearing.¹⁰

¹ Pliny, *Pan.* 85.

² SHA, *Had.* 15, 2.

³ *Dig.* 22, 5, 3, 3.

⁴ PSI 1222 (= *Arch. für Papyrusforschung*, XIII, p. 115), ll. 21-5.

⁵ SHA, *Pius* 11, 8.

⁶ SHA, *Marcus* 22, 4.

⁷ Dio LXXVI, 17, 2.

⁸ See above, Ch. VI, pp. 79-80; Ch. IX, p. 125.

⁹ See, for example, Pliny's remarks on Trajan's behaviour as consul upon his tribunal, *Pan.* 77, 3.

¹⁰ Dio tells the story (LIX, 26, 9) of the Gaul who laughed to see Gaius dressed up as Zeus, and called him a μέγα παραλήρημα. For this the man suffered no punishment: σκυτοτόμος γὰρ ἦν. οὕτω που ῥᾶον τὰς τῶν τυχόντων ἢ τὰς τῶν ἐν ἀξιώσει τινὶ ὄντων παρρησίας οἱ τοιοῦτοι φέρουσι.

PROSOPOGRAPHICAL INDEX

Bang's list of *amici* and *comites principis* in Friedländer, *Sittengesch.* iv⁹⁻¹⁰ (Anhänge) records only men specifically designated as such in the sources, and only goes down to Severus Alexander. The present Index has two purposes: to supplement Bang by the addition of some names omitted by him or which have appeared subsequently (e.g. in inscriptions), and to collect in a single context those other important men who were members of the *consilium*, or in various ways influential in the counsels of the Empire.

N.B. (a) An obelisk indicates that a man appears in Bang's list; an asterisk denotes attested *amici* and *comites* omitted by him, or whose title has appeared in the sources subsequently, or belonging to the period after Severus Alexander. Names preceded by neither are of men not specifically called *amicus* or *comes* in any source.

(b) Careers are not given in full detail, only indications relevant to the present subject; but there is a reference to the latest full prosopographical treatment at the end of each item.

(c) Members by blood of the imperial family are not generally given, but its connexions by marriage were usually *amici* of the first importance.

(d) The principal *nomen* of each senator is in LARGE CAPITAL letters.

(e) Dates are A.D. unless the contrary is indicated.

- 1† P. ACILIVS ATTIANUS. *Amicus* of Hadrian (SHA, *Had.* 15, 2). As *praef. praet.* at the end of Trajan's reign he helped H. on to the throne, and dealt with the 'Four Consulars'. Later fell foul of H. and, to reduce his power, was promoted to the senate with *ornamenta consularia*. *PIR*², A 45.
- 2† M'. ACILIVS (GLABRIO?) AVIOLA. *Amicus* of Claudius, Nero, Vespasian, Domitian. This is the 'Αουιόλαος of the 'Acts of Isidore', or his father (see above Ch. IV, p. 44); A. was *cos.* in 54, proconsul of Asia in 65-6, *curator aquarum* in 74-97, and it may well be he who appears upon Domitian's *rhombus* council in Juv. IV. *PIR*², A 49, 62 (Groag hesitates to identify).
- 3† M'. ACILIVS GLABRIO. *Amicus* of Domitian; a member of the *rhombus* council with his father, (2) above. *Cos.* in 91 with M. Ulpius Traianus, exiled in the same year and executed in 95. *PIR*², A 67.
- 4* M'. ACILIVS GLABRIO. *Amicus* of Commodus, Pertinax (Raubitschek in *Hesperia*, Suppl. 8 (1949), 288). *Cos.* II with

- Commodus v in 186; refused the purple in 193 (Herodian II, 3, 4). Pertinax thought highly of him and Pompeianus (96) (Dio LXXIII, 3, 3 and 4). *PIR*², A 69.
- 5 M. AEDINIUS IULIANUS. Gordian III's *praef. praet.* before Timesitheus (157). He was *praef. Aeg.* in 222-3; governor of Lugdunensis, *praef. praet.* in 238. *PIR*², A 113; Barbieri, *Albo*, 190-1.
- 6* AELIVS ANTIPATER. *Amicus* of Caracalla (*Forsch. in Eph.* (Heberdey), II, 126). Tutor to Caracalla and Geta and *ab ep. Graec.*, *adlectus inter consulares* by Septimius. He protested to Caracalla after G.'s murder (Philost. *VS* II, 24), and—perhaps in consequence—had to commit suicide. *PIR*², A 137.
- 7* AELIVS COERANUS. *Amicus* of Septimius, Caracalla (*Forsch. in Eph.* II, 126). An Egyptian, *a libellis*, banished for friendship with Plautianus in 205, recalled and made consul in 212. *PIR*², A 161.
- 8† AELIUS GORDIANUS. Member of Alexander's *consilium* (SHA, *Alex.* 68, 1). Spurious? *PIR*², A 181.
- 9† P. AELIVS HADRIANUS (the future emperor). *Comes* of Trajan (Dio LXIX, 1, 1; SHA, *Had.* 3, 2; *ILS* 308). *PIR*², A 184.
- 10† L. AELIVS SEIANUS. *Amicus* of Tiberius, *comes* of Drusus in 14 (Tac. *Ann.* I, 24; Suet. *Tib.* 55). *Praef. praet.*, *cos.* in 31, executed in the same year. *PIR*², A 255.
- 11† AELIUS SERENIANUS. Member of Alexander's *consilium* (SHA, *Alex.* 68, 1). Spurious? *PIR*², A 258.
- 12 Q. AEMILIUS LAETUS. *Praef. praet.* of Commodus and Pertinax; assassinated the one and attempted to assassinate the other, when he found he was not allowed to be the master. C. greeted him with a kiss after gladiatorial duels against him (Dio LXXII, 19, 4). He is said to have dissuaded C. from burning Rome (SHA, *Comm.* 15, 7). *PIR*², A 358.
- 13† M'. AEMILIVS LEPIDUS. *Amicus* of Augustus, Tiberius (Tac. *Ann.* IV, 20; but the MS. has 'M.'—see discussion, Ch. IV, p. 35, n. 3). *Cos.* in 11. On his *potentia* and wise and moderate counsel see Tac. *Ann.* VI, 5 and 27. *PIR*², A 363.
- 14 M. AEMILIVS LEPIDUS. *Amicus* of Augustus, Tiberius (see Ch. IV, p. 35, n. 3). *Cos.* in 6, after a great military career. His

daughter married Drusus Caesar. One of these two men (this and (13) above) was discussed by Augustus in 14 as a possible successor and given high merit (Tac. *Ann.* I, 13). *PIR*², A 369.

- 15† AEMILIUS PAPINIANUS. *Amicus* of Septimius (SHA, *Cara.* 8, 2-3), and related to him through Julia Domna. The great jurist and *praef. praet.*; comes of the emperor in Britain. S. commended his sons to Papinian, who tried to reconcile them. Executed in 212. *PIR*², A 388.
- 16* AEMILIUS PUDENS. '[Ad]lecto in comitatu Imp. | [Com]modi Aug.' (*AE* 1949, no. 38, ll. 5-6). The brother of Q. Aemilius Laetus. Otherwise unknown.
- 17† SEX. AFRANIUS BURRUS. *Amicus* of Nero (Tac. *Ann.* XIII, 6, 6). *Praef. praet.*; with Seneca he ran Nero's government until his death in 62 (ib. XIII, 2). *PIR*², A 441.
- 18* L. IUNIUS ANNAEVS GALLIO (= L. Annaeus Novatus, Seneca's elder brother, adopted by L. Iunius Gallio). *Amicus* of Claudius (*Syll.*³, 801 D). This is the Gallio of Acts xviii. 12, proconsul of Achaëa. *RE*, Annaeus 12 (Rossbach).
- 19† M. ANNAEVS LUCANUS. The poet; *amicus* of Nero (Suet. *Vita Lucani*). *PIR*², A 611.
- 20† L. ANNAEVS SENECA. *Amicus* of Nero (Tac. *Ann.* XIV, 54). *Cos.* in 56. Nero's tutor, the famous statesman, discussed in Ch. IX. *PIR*², A 617.
- 21 C. ANNIVS ANULLINUS. *Amicus* of Maxentius. He was *praef. urbi* in 306-7, 312. *PIR*², A 632; *AE* 1942-3, no. 82.
- 22 M. ANNIVS VERUS. *Amicus* of Nerva, Trajan, Hadrian. *Cos.* I in 97 (Barbieri, 'Nuovi frammenti di fasti ostiensi', *Studi Romani* I (1953), 367-8), *cos.* II in 121, *praef. urbi*, *cos.* III in 126. Grandfather of Marcus Aurelius. *PIR*², A 695.
- 23 L. ANTISTIVS BURRUS. *Amicus* of Marcus. Married Vibia Aurelia Sabina, one of Marcus' daughters. *Cos.* in 181 with Commodus III. Cleander had him executed on suspicion of planning a *coup-d'état*. This is clearly one of the πατρῷοι φίλοι whom Commodus threw over. *PIR*², A 757.
- 24* M. ANTONIVS IUVENIS. *Amicus* of Caracalla (*Forsch. in Eph.* (Heberdey), II, 126). *PIR*², A 847 (and 794²).

- 25 ANTONIUS POLEMO. *Comes* of Hadrian (Polemo, *Physiogn.* 1, p. 138, l. 14). Smyrniote rhetor, honoured by Trajan, Hadrian and Pius. Von Premerstein, *Das Attentat*, 59–60; *PIR*², A 862.
- 26† M. ANTONIVS PRIMUS. *Amicus* of Vespasian (Tac. *Hist.* iv, 80). He was one of the soldiers to whom the Flavian dynasty owed its rise, but his star paled under the influence of Mucianus, who prevented him from becoming a *comes* of the prince Domitian. *PIR*², A 866.
- 27 L. APONIUS. *Comes* of the prince Drusus in 14 (Tac. *Ann.* i, 29). *PIR*², A 934.
- 28 L. APRONIVS. Perhaps an *amicus* of Tiberius (Grant, *Aspects*, 50–1, 55–7). Coins were issued at Hippo Diarrhytus by his permission. *Cos.* in 8, received *orn. triumphalia* for fighting Tacfarinas. His son (29) was a friend of Seianus. *PIR*², A 971.
- 29 L. APRONIVS CAESIANUS. Perhaps an *amicus* of Tiberius. *Cos.* in 39 with Gaius II; a friend of Seianus. *PIR*², A 972.
- 30* AREUS. *Amicus* and *comes* of Augustus (Jul. *Caes.* 326B; Sen. *ad Marc.* 4, 3, 'cui non tantum quae in publicum emittuntur nota, sed omnes sunt secretiore animorum vestrorum motus'). He evidently had administrative as well as philosophical gifts, for he was offered (but refused) the *praefectura Aeg.* (Jul. *Ep. ad Them.* 265c). Cf. Athenodorus (40) and Timagenes (322a). *PIR*², A 1035.
- 31† M. ARRECINVS CLEMENS. *Amicus* of the Flavians (Suet. *Dom.* 11, 1). He was Titus' brother-in-law and an early supporter of the dynasty. *Praef. praet.*; *cos.* I in 73; *cos.* II under Domitian, whose secret agent he was (Suet. loc. cit.). But he was executed in the end. *PIR*², A 1072.
- 32 ARRIVS ANTONINUS. *Amicus* of the Flavians, Nerva, Trajan (*Ep. de Caes.* 12, 3; Pliny, *Ep.* iv, 3, 1). *Cos.* I in 69; *cos.* II possibly in 97. He was celebrated for his governorship of Asia, in which he followed Eprius Marcellus. Grandfather of Ant. Pius. *PIR*², A 1086.
- 33 ARRIUS MENANDER. *Consiliarius* of Septimius (*Dig.* 4, 4, 11, 2). A legal writer. *PIR*², A 1100.

- 34 L. ARRVNTIVS. *Amicus* of Augustus. Discussed by him in 14 as a possible successor, and described as 'non indignum' (Tac. *Ann.* I, 13). Compared with M'. (M.?) Lepidus, ib. vi, 5. He fell foul of Tiberius and Seianus, and later of Macro. *Cos.* in 6. *PIR*², A 1130.
- 35† M. ARTORIUS ASCLEPIADES. *Amicus* and physician of Augustus (Plut. *Brut.* 41; Suet. *Div. Aug.* 91, 1). *PIR*², A 1183. The status of physicians was high; cf. Antonius Musa (*PIR*², A 853) and L. Gellius Maximus (161).
- 36 CN. ARVLENVS CAELIUS SABINUS. *Amicus* of Vespasian (*Dig.* I, 2, 2, 53). *Cos. suff.* in 69; the celebrated first-century jurist. *PIR*², A 1194.
- 37† SER. ASINIVS CELER. *Amicus* of Claudius (Sen. *Apoc.* 13). *Cos. suff.* in 38. Executed eventually by C. for reasons unknown. Son of the following. *PIR*², A 1225.
- 38† C. ASINIVS GALLUS. *Amicus* of Augustus, Tiberius (*Syll.*³ 780, τῷ ἐμῷ φίλῳ). *Cos.* in 8 B.C.; proconsul of Asia 6–5 B.C. The son of Asinius Pollio and Vipsania, he had three consular sons. Discussed by Augustus as a possible successor in 14—'avidum et minorem'. He courted Seianus; visited Capri in 30, was denounced, and died in 33 (Tac. *Ann.* vi, 23). On his coin-portraits as an *amicus Augusti*, see Grant, *From 'Imperium' to 'Auctoritas'*, 229–30. *PIR*², A 1229.
- 39* M. APPIUS (ATILIVS) BRADUA. *Amicus* and *comes* of Hadrian (*ILS* 8824a, where Groag would restore [φίλον καὶ συναπόδημον] θεοῦ Ἀδριανοῦ). Probably the *cos.* of 108. *PIR*², 1298.
- 40* ATHENODORUS. *Amicus*, counsellor and *magister* of Augustus (Plut. *Apophth. Reg.* 207C; Dio LVI, 43, 2; Strab. 674 C, etc.). A Stoic philosopher, like Areus (30) above, he had administrative talents also. *PIR*², A 1288.
- 41* T. ATILIVS MAXIMUS. *Amicus* of Pius (*Syll.*³ 851), proconsul of Asia. *PIR*², A 1301.
- 42† T. ATILIVS RUFUS TITIANUS. *Cos.* in 127; convicted of conspiracy under Pius. (Bang regards him as the *amicus* of Hadrian; SHA, *Had.* 15, 6; but Groag does not.) *PIR*², A 1305.
- 42a SEX. ATTIVS SUBURANUS AEMILIANUS. *Amicus* of Trajan (Vict. *Caes.* 13, 9; Pliny, *Pan.* 86, 1–2). *Praef. praet.*; *cos.* I in 101, II in 104. *AE* 1939, no. 60; *PIR*², A 1366.

- 43† C. AVFIDIVS VICTORINUS. *Amicus* and *comes* of Marcus (Dio LXXII, 11, 2; *AE* 1934, no. 155, giving more of his many names; Fronto, *ad M. Caes.* IV, 13; V, 10 (25) N). An early friend of Marcus, he married Fronto's daughter. He was *praef. urbi* at the end of M.'s life, and *cos. II ord.* in 183 with Commodus. *PIR*², A 1393.
- 44 C. AVIDIUS HELIODORUS. *Amicus* of Hadrian (SHA, *Had.* 15, 5); but in spite of the implication of this passage that Hadrian got rid of him, he seems to have been *praef. Aeg.* from 138 to 140. The father of Avidius Cassius. *PIR*², A 1405.
- 45 C. AVIDIVS NIGRINUS. *Amicus* of Trajan (and Hadrian?) (Dio LXIX, 2, 5; SHA, *Had.* 7, 1, where H. is said to have destined him as his successor. I agree with Weber and von Premerstein in thinking this impossible, but Groag does not). He was one of the 'Four Consulars' executed for alleged conspiracy in 118. *PIR*², A 1408.
- 46 AVIDIUS SEVERUS. *Amicus* of Marcus (SHA, *Avid.* 1, 2). Spurious. *PIR*², A 1411.
- 47† A. AVILLIUS FLACCUS. *Amicus* of Tiberius, Claudius (Philo, in *Flacc.* 2 and 158). He was Tiberius' *praef. Aeg.*, and roused the anger of the Alexandrians, who secured his fall (hence his appearance in the 'Acts of the Pagan Martyrs'). He was a friend of Macro, and in the 'Acts of Isidore' Claudius accuses Isidore of having destroyed many of his (C.'s) friends, of whom Macro was one. No doubt Flaccus was another. *PIR*², A 1414.
- 48 M. AURELIUS CLEANDER. *Amicus* of Commodus. This was the famous favourite and 'vizier' of Commodus, who had been manumitted by Marcus. On his power, see Dio LXXII, 12-13. He had a great struggle with Papirius Dionysius (53), and they both fell. *PIR*², A 1481, and see Raubitschek in *Hesperia*, Suppl. 8 (1949), 288-9.
- 49† M. AVRELIVS COTTA MAXIMUS MESSALLINUS. *Amicus* of Tiberius (Tac. *Ann.* VI, 5). Son of Messalla Corvinus. A friend of Ovid and patron of literature (Juv. VII, 95). *PIR*², A 1488.
- 50 T. AVRELIVS FULVUS. *Amicus* of the Flavians, paternal grandfather of Pius (SHA, *Pius*, 1, 2). He was not *cos.* in 85 (see *Inscr. It.* XIII, 221), and the man who was *cos. ord.* in 89, according to the *Fasti* of Potentia, is probably his son. The dates of his

consulships and *praefectura urbis* are therefore unknown. *PIR*², A 1510.

- 51† T. AVRELIVS FULVUS BOIONIUS ARRIUS ANTONINUS (the future Emperor Pius). Member of Hadrian's *consilium* (SHA, *Pius* 3, 8). *PIR*², A 1513.
- 52* AURELIUS LARICHUS. *Amicus* of Commodus (Raubitschek in *Hesperia*, Suppl. 8 (1949), 288, ὁ φίλος μου) and *ab epist. Graec.* Otherwise only known in *IGRR* III, 619. *PIR*², A 1542.
- 53 M. AURELIUS VERIANUS PAPIRIUS DIONYSIUS. *Amicus* of Commodus. He was a *iuris peritus*, *consiliarius*, doubtless under Marcus, a *libellis*, a *cognitionibus*, *praef. Aeg.* in 188, reduced to *praef. annon.* in 189 through Cleander's influence, and through his power in this position secured the fall of Cleander, though he was executed himself (*ILS* 1455; *IGRR* I, 135; *AE* 1938, no. 60). *PIR*², A 1567.
- 54 Q. AXILIUS URBICUS. *A consiliis Augg.* (*ILS* 1459). *PIR*², A 1685.
- 55† BAEBIUS LONGUS. *Amicus* of Marcus in his early days (SHA, *Marcus*, 3, 8). *PIR*², B 19.
- 56 Q. BAEBIVS MACER. *Amicus* and adviser of Trajan; *cos. suff.* in 103 (Barbieri in *Studi Romani* I (1953), 373-4); he was *praef. urbi* in 117, and one of those who disapproved of Hadrian, though H. did not harm him (SHA, *Had.* 5, 5). *PIR*², B 20.
- 57* BAREA SORANUS. *Amicus* of Vespasian before his accession (Tac. *Hist.* IV, 7). *Cos.* in 52, proconsul of Asia. One of the 'Stoic opposition', he was tried and forced to commit suicide in 66. *PIR*², B 55.
- 58 M. BASSAEUS RUFUS. *Praef. praet.* of Marcus, and took part in his *consilium* (SHA, *Marcus*, II, 10; Philost. *VS* II, I, 28). Received consular *ornamenta*, mural crown etc. *PIR*², B 69.
- 59 BASSVS. *Amicus* of Septimius. He was *praef. urbi*. Perhaps the friend of Galen. *PIR*², B 76, 86, 87, and above, Ch. VI, pp. 80-1 and notes.
- 60† BASSUS. *Amicus* of Septimius (*Ep. de Caes.* 20, 6). Perhaps the *consiliarius* of IG IV, 1475. For references see the above.
- 61 C. BRVTTIVS PRAESENS L. FULVIUS RUS[TICUS]. *Amicus* of Pius; he was *cos.* II with Antoninus II in 139, when second

consulships were rare. Father of the *comes* of Marcus and Commodus. *AE* 1950, no. 66; *PIR*², B 164.

- 62† L. FULVIUS... C. BRVTTIVS PRAESENS. *Comes* of Marcus and Commodus (*ILS* 1117). *Cos.* I in 153; *cos.* II in 180. His daughter Crispina married Commodus. *PIR*², B 165.
- 63 L. BRVTTIVS QUINTIUS CRISPINUS. Son of above, brother-in-law of Commodus, *cos. ord.* in 187. *PIR*², B 169.
- 64 CAECILIUS HERMIANUS, *consiliarius* of an emperor (*IGRR* III, 179). *PIR*², C 48.
- 65 Q. CAECILIUS METELLUS CRETICUS SILANUS. *Amicus* of Tiberius, see Grant, *Aspects*, 59. *Cos. ord.* in 7, governor of Syria 12–17. His daughter was engaged to Germanicus' son, Nero Caesar. *PIR*², C 64.
- 66† A. CAECINA ALIENUS. *Amicus* of Vitellius, Vespasian (*Tac. Hist.* II, 92; *Dio* LXVI, 16, 3). *Cos. suff.* in 69, deserted Vitellius for Vespasian. Fell in 79, implicated in the 'conspiracy' of Epirus Marcellus. *PIR*², C 99.
- 67† C. CAECINA LARGUS. *Amicus* of Claudius (*Tac. Ann.* XI, 33); he rode with L. Vitellius in the emperor's carriage. *Cos. ord.* in 42 with Claudius II. *PIR*², C 101.
- 67a D. CAELIVS (CALVINUS) BALBINUS, the future emperor. *Amicus* of Caracalla. *Cos.* II in 213 with Caracalla IV. One of the *xx viri* of 238 (see (72) below). *PIR*², C 126.
- 68* C. CAELIVS SATURNINUS. Councillor of Diocletian, *comes* of Constantine (*ILS* 1214); and see above, Ch. VII, p. 98.
- 69† T. CAESERNIVS STATIUS QUINCTIUS MACEDO QUINCTIANUS. 'Co[m]es divi Hadriani] per Orientem' (*ILS* 1069). *PIR*², C 182.
- 70† T. CAESERNIVS STATIUS QUINTIUS (*sic*) STATIANUS MEMMIUS MACRINUS. 'Comes eiusdem in [Ori]ente' (*ILS* 1068). *PIR*², C 183.
- 71† C. CAESIUS NIGER. *Amicus* of Augustus or Tiberius (*ILS* 1320); and see above, Ch. III, p. 23. *PIR*², C 202.
- 72 L. CAESONIVS LUCILLUS MACER RUFINIANUS. *Amicus* of Gordian III. He had been one of the *xx viri* chosen by the senate from its leading men to defend Italy against Maximinus

in 238; he led the colony of Uchi Maius and was 'electus ad cognoscendas vice Caesaris cognitiones'. Son of the following. *PIR*², C 209.

- 73† C. CAESONIVS MACER RUFINIANUS. *Comes* of Alexander (*ILS* 1182). He had a long and distinguished administrative career. *PIR*², C 210.
- 74† CALENUS. *Amicus* of Marcus in his early days (*SHA, Marcus*, 3, 8). *PIR*², C 221.
- 75† C. CALPETANVS RANTIUS QUIRINALIS VALERIUS FESTUS. *Amicus* of Domitian (*Mart.* 1, 78, if this be he). *Cos.* in 71 with Domitian. *RE*, Calpetanus 2 (Groag).
- 76 CALPURNIUS LONGINUS. *Advocatus fisci*, took part in a discussion of the *consilium* in 166 (*Dig.* 28, 4, 3). *PIR*², C 272.
- 77 CN. CALPVRNIVS PISO. *Amicus* of Augustus. A Pompeian and follower of Brutus and Cassius, he was probably one of those whom A. took into his inmost circle from the ranks of the enemy. *Cos.* in 23 B.C.; he received the *rationarium imperii* from A.'s hands. To his two sons, one of whom is the following (rather than to the sons of (79) below), Horace is thought by some to have dedicated his *Ep. ad Pisones*. *PIR*², C 286.
- 78† CN. CALPVRNIVS PISO. *Amicus* of Augustus, Tiberius (*Tac. Ann.* III, 12, 2; 16, 7). *Cos.* in 7 B.C. The well-known enemy of Germanicus, he had had a long and distinguished career, '45 years of service', as he said himself; and according to one version Augustus had discussed him as a possible successor in 14. *PIR*², C 287.
- 79† L. CALPVRNIVS PISO. *Amicus* of Augustus, Tiberius (*Sen. Ep.* 83, 14; *Suet. Tib.* 42, 1). *Cos.* in 15 B.C., the great *praef. urbi* 17-32 (better so than 13-32 as given by Groag). He and Cossus Cornelius Lentulus were secret agents of the emperors (*Sen. loc. cit.*). For a tribute, *Tac. Ann.* VI, 10. *PIR*², C 289.
- 79a P. CALVISIVS RUSO IULIUS FRONTINUS. *Amicus* of the Flavians and Trajan (*Mart.* v, 28, 4). Father of the following, great-grandfather of Marcus; presumably heir of Iulius Frontinus. *PIR*², C 350.
- 79b P. CALVISIVS TULLUS RUSO. *Amicus* of Trajan, Hadrian. *Cos.* 1 *ord.* in 109, 11 *anno incerto*. Grandfather of Marcus. *PIR*², C 357.

- 80† CASSIVS DIO COCCEIANUS. *Amicus* and *comes* of Septimius, Caracalla, Alexander (Dio LXXV, 16, 4, LXXVI, 17, 2, on Septimius' *consilium*; LXXVII, 17, 2, etc., esp. LXXVIII, 8, 4, *comes* of Caracalla; LXXX, 5, *comes* of Alexander). *Cos.* II in 229. *PIR*², C 492.
- 81 C. CASSIVS LONGINUS. *Amicus* of Tiberius, Claudius, Nero. 'Plurimum in civitate auctoritatis habuit' (Pompon. in *Dig.* 1, 2, 51). *Cos. suff.* in 30; governed Asia and Syria. On his powerful interventions in the senate, see Tac. *Ann.* XIV, 42–5 and above, Ch. IX, p. 121. He was one of the chief jurists of his day, founder of the *schola Cassiana*. *PIR*², C 501.
- 82† CN. CATILIVS SEVERUS. Relation of Severus Alexander and a member of his *consilium* (SHA, *Alex.* 68, 1). Descendant of the following. *PIR*², C 557.
- 83† L. CATILIVS SEVERUS IULIANUS CLAUDIUS REGINUS. *Amicus* of Trajan, Hadrian (SHA, *Had.* 15, 7). *Cos.* I in 110; he governed Armenia and Cappadocia and was with Trajan in the Parthian war. *Cos.* II *ord.* in 120; *praef. urbi* in 138 (he thought he was destined to succeed). *PIR*², C 558.
- 84 C. CEIONIVS RUFIVS VOLUSIANUS. *Amicus* of every emperor from Carinus to Constantine. He was *praef. urbi* 310–11, *praef. praet.* 311, *cos.* in 311, *cos.* II in 314, *praef. urbi* again in 313–15, *praef. praet.* again in 321. See Piganiol, *L'Empire chrétien*, 312 n. 66; *RE*, Maxentius (Groag), col. 2447. *RE*, Ceionius 17, 18 (Seeck).
- 85 CELSINUS, *consiliarius* of Diocletian (SHA, *Aur.* 44, 3). Spurious? *RE*, Celsinus 3 (Seeck).
- 86 C. CENSORIVS NIGER. *Amicus* of Pius (Fronto, *ad Ant. Pium* p. 165 (N)). A member of the circle of Fronto, which included many of the principal *amici* of the day. *PIR*², C 658.
- 87 Q. CERVIDIVS SCAEVOLA. A member of Marcus' *consilium* (*Dig.* 36, 1, 23 (22), pr.; SHA, *Marcus*, 11, 10). A great jurist of his day. *PIR*², C 681.
- 88 (TI. CLAUDIUS) THE SMYRNIOTE. *A rationibus* from Nero to Domitian; he may well have been an official *amicus Aug.* from Vespasian onwards, since he was made an *eques*. Manumitted by Tiberius and a companion of Gaius, he had already risen high under Claudius. He was dismissed by Domitian. *PIR*², C 763.

- 89* TI. CLAUDIUS ARCHIBIUS. *Amicus* of Claudius (*P. Lond.* 1912, C.'s letter to the Alexandrians). *PIR*², C 787.
- 90 TI. CLAUDIVS M. AURELIUS ARISTOBULUS. *Amicus* of Numerian, Carus, Diocletian. 'Vir insignis' (*Vict. Caes.* 39, 14). *Praef. praet.*, maintained in office by D.; *cos.* in 285 with Carus and then Diocletian; *praef. urbi* 295-6. *PIR*², C 806.
- 91* TI. CLAUDIUS BALBILLUS. (a) *Amicus* of Claudius (*P. Lond.* 1912). He appears in a fragment of the 'Acts of Isidore'. (b) *Praef. fabr.* and *comes* of Claudius in Britain (*AE* 1924, no. 78). A full equestrian career, ending as *praef. Aeg.*, 55-9. The question whether (a) and (b) are identical is bound up with a controversy about the dramatic date of the 'Acts of Isidore'. A. Stein, in *Aegyptus* XIII (1933), 123-136 and in *PIR*², rejects the identity, but see Sherwin-White, *PBSR* xv (n.s. II) (1939), 21 n. 68. *PIR*², C 812, 813.
- 92† M. CLAUDIVS FRONTO. *Comes* of L. Verus (*ILS* 1097-8). One of the big Antonine soldiers and governors, he received a statue in the Forum Traiani. *PIR*², C 874.
- 93 APPIUS CLAUDIVS IULIANUS. *Amicus* of Alexander: 'Iuliane carissime' (*Dig.* 31, 87, 3). *Cos.* II *ord.* with L. Bruttius Crispinus in 224, and *praef. urbi.* *PIR*², C 901.
- 94 TI. CLAUDIVS IULIANUS (NAUCELLIUS). *Amicus* of Marcus, Verus (Fronto, *ad Am.* I, 18, p. 186 (N)). *Cos.* in 158 or 159. *PIR*², C 902.
- 95† TI. IULIUS AQUILINUS CASTRICIUS SATURNINUS CLAUDIUS LIVIANUS. *Amicus* of Trajan and of Hadrian in his early days (*SHA, Had.* 4, 2). He was Trajan's *praef. praet.*, and went with Sura to arrange the submission of Decebalus. He served with Hadrian in the Parthian war. *PIR*², C 913.
- 96 TI. CLAUDIVS POMPEIANUS. The great *amicus* of Marcus, Commodus, Pertinax. He married M.'s daughter Lucilla, was *cos.* II *ord.* in 173 with Claudius Severus (also M.'s son-in-law), and a *comes* of M. in his wars and at his deathbed (*Herodian* I, 6, 1). Did his best to keep Commodus on the right path, but had to retire. Pertinax honoured him (*Dio LXXIII*, 3). *PIR*², C 973.
- 97† CLAUDIUS SENECIO. *Amicus* of Nero (*Tac. Ann.* XIII, 12; XV, 50). He was one of N.'s literary circle; joined the Pisonian conspiracy. *PIR*², C 1016.

- 98* CN. CLAUDIVS SEVERUS. *Necessarius* and *comes* of Marcus and Verus (κηδεσ[τήν τε] τῶν θειοτ[άτων αὐτο]κρατ[όρων], see above, p. 75 n. 5; Philost. *VS* II, 10, 7). Married M.'s daughter (?) Annia; *cos.* II *ord.* in 173 with Pompeianus. *PIR*², C 1024.
- 99 M. CLAUDIVS TACITUS. *Amicus* of Aurelian before he became emperor himself. He is said to have advised A. (SHA, *Tac.* II, 6). *Cos. ord.* in 273; *princeps senatus*. *PIR*², C 1036 (Stein).
- 100 CLAUDIVS TRYPHONINUS. Member of Septimius' *consilium* (Paulus in *Dig.* 49, 14, 50). A jurist of some note in his day. *PIR*², C 1045.
- 101† CLAUDIVS VENACUS. Member of Alexander's *consilium* (SHA, *Alex.* 68, 1). Spurious? *PIR*², C 1048.
- 102 M. CLODIVS PUPIENUS MAXIMUS (the future emperor). *Amicus* of Alexander. He was proconsul of Asia, *praef. urbi*, *cos.* II *ord.* in 234, and one of the *xx viri* chosen by the senate to defend Italy against Maximinus. *PIR*², C 1179.
- 103* P. CLODIVS THRASEA PAETUS. *Amicus* of Vespasian before his accession (Tac. *Hist.* IV, 7). *PIR*², C 1187.
- 104† M. CLVVIVS RUFUS. *Amicus* and *comes* of Nero (Suet. *Nero*, 21, 2; Dio LXIII, 14, 3). *Amicus* of Vitellius (Tac. *Hist.* II, 65). He and Silius were present at the conversations between V. and Flavius Sabinus. *PIR*², C 1206.
- 105† L. COCCEIVS NERVA. *Amicus* of Augustus (Hor. *Sat.* I, 5, 28-9; App. *BC* V, 60, 251). One of the early companions and diplomatic advisers of Octavian; a friend of Antony, and so negotiated at Brundisium and Tarentum. *PIR*², C 1223 (but he was not *cos.* in 39 B.C.; see Syme, *RR* 200 n. 4).
- 106† M. COCCEIVS NERVA. *Amicus* of Augustus (Sen. *de Clem.* I, 10, 1). An Antonian partisan, he was saved by the influence of his brother (105, above) (App. *BC* V, 61, 256). *Cos.* in 36 B.C. Grandfather (probably; Bang says father) of the following. *PIR*², C 1224.
- 107† M. COCCEIVS NERVA. *Amicus* and *comes* of Tiberius (Tac. *Ann.* VI, 26, 2; Pomp. in *Dig.* I, 2, 2, 48). The celebrated jurist, *curator aquarum* from 24. Companion of Tiberius at Capri. He committed suicide in 33. *PIR*², C 1225 (Stein).

- 108 M. COCCEIVS NERVA (the future emperor). *Amicus* of Nero and the Flavians. He was given a statue and triumphal *ornamenta* after the Pisonian conspiracy. *Cos. I ord.* with Vespasian III in 71; *cos. II ord.* with Domitian XV in 90. Grandson of the above. *PIR*², C 1227.
- 109 Q. CORELLIVS RUFUS. *Amicus* of Nerva, who gave him a *cura agrorum*; he was one of the circle of elder statesmen about that emperor, and a friend of Pliny. *PIR*², C 1294.
- 110† P. CORNELIVS ANULLINUS. *Amicus* of Septimius (*Ep. de Caes.* 20, 6). Governed Baetica and Upper Germany under Marcus, Africa under Commodus; it was he who defeated Pescennius Niger for Septimius, and he was *praef. urbi* and *cos. II ord.* in 199. *PIR*², C 1322.
- 111 P. CORNELIVS DOLABELLA. *Amicus* of Augustus, Tiberius. *Cos. ord.* in 10. Praised by Velleius II, 125, 5; he governed Illyricum and held it safe for Tiberius in 14, and later helped to defeat Tacfarinas. See Grant, *Aspects*, 51, 55, for coins of Thapsus minted by his permission. *PIR*², C 1348.
- 112† M. CORNELIVS FRONTO. *Amicus* of Pius, Marcus, L. Verus. He was tutor to Marcus and Verus; the letters show his close relation to them, and he was the centre of their circle of *amici*. *Cos. suff.* in 142 or 143. *PIR*², C 1364.
- 113† CORNELIVS FUSCUS. Member of Domitian's *rhombus* council (Juv. IV). He was one of Vespasian's notable soldiers, who chose to remain an *eques*. *Praef. praet.* under Domitian, he was put in sole command of the Dacian war, and was killed. *PIR*², C 1365.
- 114† C. CORNELIVS GALLUS. *Amicus* of Augustus (Suet. *Div. Aug.* 66; Serv. ad Verg. *Ecl.* x, 1). The first *praef. Aeg.*; he got above himself (see *ILS* 8995) and forfeited the *amicitia* (Suet. loc. cit.; Serv. loc. cit.; Dio LIII, 23, 6). In the end he committed suicide. He was a poet, the friend of Virgil and Pollio. *PIR*², C 1369.
- 115† CORNELIVS LACO. *Amicus* of Galba (Suet. *Galb.* 14, 2), and *praef. praet.* He took part in the 'comitia imperii' to decide on a colleague for G. (Tac. *Hist.* I, 14). *PIR*², C 1374.
- 116† CN. CORNELIVS LENTULUS (AUGUR). *Amicus* of Augustus, Tiberius (Tac. *Ann.* I, 27; IV, 29). *Cos. ord.* in 14 B.C., proconsul of Asia in 1 B.C., perhaps the conqueror of Moesia (but see Groag

- in *PIR*²). Comes of the prince Drusus in 14 (Tac. *Ann.* I, 27). 'Princeps civitatis et pecunia et gratia' (Sen. *de Ben.* II, 27, 2). *PIR*², C 1379.
- 117 COSSUS CORNELIVS LENTULUS. *Amicus* and secret agent of Tiberius, who never gave away a secret (Sen. *Ep.* 83, 15). Conqueror of the Gaetuli; *cos. ord.* in 1 B.C., *praef. urbi* from 33. *PIR*², C 1380.
- 118 CN. CORNELIVS LENTULUS GAETULICUS. *Amicus* of Tiberius, and kept his *amicitia* in spite of friendship with Seianus (Tac. *Ann.* VI, 30, 7). *Cos. ord.* in 26. He conspired against Gaius in 39 and was executed. Son of the above. *PIR*², C 1390.
- 119† CORNELIVS LUPUS. *Amicus* of Claudius (Sen. *Apoc.* 13). *Cos. suff.* in 42 with Caecina Largus. For his fate see Tac. *Ann.* XIII, 43. *PIR*², C 1400.
- 120† A. CORNELIVS PALMA FRONTONIANUS. *Amicus* of Trajan (Dio LXIX, 2, 5). *Cos.* in 99, he was the conqueror of Arabia Petraea, and received triumphal *ornamenta* and a statue (Dio LXVIII, 16, 2). *Cos.* II in 109. He was a personal enemy of Hadrian (SHA, *Had.* 4, 3), and consequently one of the 'Four Consulars' executed at the latter's accession. *PIR*², C 1412.
- 121 CORNELIVS PRISCIANUS. Took part in a discussion of the *consilium* (Dig. 28, 4, 3). Otherwise unknown (*PIR*², C 1418 is a different man). *RE*, Cornelius 288 (Stein).
- 122* CORNELIVS QUADRATUS. *Amicus* of Marcus, L. Verus; see Fronto, *ad Ant. Pium*, p. 235 (N). He was Fronto's brother. *PIR*², C 1426.
- 123 SEX. CORNELIVS REPENTINUS. Marcus' *praef. praet.*, and a friend of Fronto. See SHA, *Marcus*, 7, 3. *PIR*², C 1428.
- 124 P. CORNELIVS SCIPIO. *Amicus* of Augustus. For his coin-portrait as proconsul of Asia, see Grant, *From 'Imperium' to 'Auctoritas'*, 229 (where 'L. Scipio' is a printer's error). *Cos. ord.* in 16 B.C. *PIR*², C 1438.
- 125 SER. (CORNELIVS) SCIPIO SALVIDIENUS ORFITUS. *Amicus* of Hadrian, Pius. *Cos. ord.* in 110, *praef. urbi*. Either he or his son (*PIR*², C 1447) shared with Iulianus the task of codifying the Edict. *PIR*², C 1446.

- 126* C. VETTIUS COSSINIVS RUFINUS. *Comes* of (probably) Constantine and the *Caesares*, Crispus and Constantinus (*ILS* 1217). *Praef. urbi* in 315. Groag thinks that not he, but his father, was *cos.* I in 316; *cos.* II in 323; *praef. praet.* 318–20. *RE*, Rufinus 13, 14 (Seeck); Groag, *Die Reichsbeamten von Achaia in spättrömischer Zeit*, 16–20.
- 127† COSSINUS. *Amicus* of Nero (Pliny, *NH* xxix, 93). *PIR*², C 1538.
- 128† CREPEREIUS. *Amicus* of (possibly) Marcus, L. Verus (*IGRR* III, 777, φίλος καὶ ἐπίτροπος). *PIR*², C 1567.
- 129† CRISPINUS. *Amicus* of Domitian; a member of the *rhombus* council (Juv. iv). Though an Egyptian of humble birth, he was *praef. praet.* with Cornelius Fuscus. *PIR*², C 1586.
- 130† CURTIUS ATTICUS. *Amicus* of Tiberius, accompanied him to Capri (Tac. *Ann.* iv, 58). He was an 'illustris eques', and probably a rival to the influence of Seianus, who secured his fall in the end (ib. vi, 10). *PIR*², C 1609.
- 131† L. DASVMIVS TULLIUS TUSCUS. *Comes* of Marcus or L. Verus (*ILS* 1081). *Cos. suff.* in 152. *PIR*², D 16.
- 132† Q. DELLIUS. *Amicus* of Augustus, taken from the ranks of the Antonians (Sen. *de Clem.* i, 10, 1). *PIR*¹, D 29; Drumann-Groebe, i, 285 and n. 2; *RE*, Q. Dellius (Wissowa).
- 133* A. DIDIVS GALLUS. *Comes* of Claudius in Britain (*ILS* 970; *Hesperia* x, 240). *Curator aquarum* 38–49, but went in 44 to put Cotys on the Bosporan throne. Received triumphal *ornamenta*. Governor of Britain, 52–8 (Tac. *Ann.* xii, 40). *PIR*², D 70; Oliver in *Hesperia*, x, 239–41.
- 133a* DIO COCCEIANUS (Dio 'Chrysostom' of Prusa, the philosopher). *Amicus* of Nerva, Trajan (*Or.* xlv, 2; xlvii, 22). His grandfather was also *amicus* of an emperor (*Or.* iii, 118; xli, 6; xliv, 5; xlvi, 3–4). *PIR*², D 93.
- 134 CN. DOMITIVS AHENOBARBUS. *Amicus* of Tiberius; member of C. Caesar's *cohors amicorum* in the East (Suet. *Nero*, 5, 1, incorrect?). *Cos. ord.* in 32; husband of Agrippina II, father of Nero. *PIR*², D 127.

- 135 L. DOMITIVS AHENOBARBUS. *Amicus* of Augustus (Suet. *Nero*, 4). *Cos. ord.* in 16 B.C. The Augustan general who penetrated farthest into Germany. Father of the above. *PIR*², D 128.
- 135^a CN. DOMITIVS TULLUS and his brother, CN. DOMITIVS LUCANUS. *Amici* of the Flavians and Trajan (Mart. v, 28, 3). *PIR*², D 167, 152.
- 136† DOMITIUS ULPIANUS. *Amicus* of Severus Alexander (*Cod. Just.* 4, 65, 4, 1; 8, 37, 4; SHA, *Alex.* 26, 5). A member of the *consilium* (ib. 68, 1). 'Eius praecipue consilii [A.] rem publicam rexit' (ib. 51, 4; cf. Dio LXXX, 1, 1). The great jurist and *praef. praet.* *PIR*², D 169.
- 137† A. DVCENIVS GEMINUS. *Amicus* of Nero, Galba. A member of Nero's commission to reform the *vectigalia*; governed Dalmatia and Asia; *praef. urbi* in 69. He took part in Galba's 'comitia imperii' (Tac. *Hist.* 1, 14). *PIR*², D 201.
- 138 L. EGNATIVS VICTOR LOLLIANUS. *Amicus* of Valerian, and perhaps previously of Gordian, by whom he seems to have been made proconsul of Asia *extra sortem*. He was *praef. urbi* in 254, and related in some way to V.'s wife. *PIR*², E 36.
- 139† T. CLODIUS EPRIVS MARCELLUS. *Amicus* of Nero, Vespasian (Tac. *Dial.* 8; *Hist.* iv, 7-8). A notorious *delator* for Nero, he caused the fall of Thræsea; but V. (perhaps at the behest of Mucianus) sent him *extra sortem* to reorganize Asia. *Cos.* II in 74 with Petillius Cerealis II. Executed for alleged conspiracy in 79. *PIR*², E 84.
- 140 SEX. ERVCIVS CLARUS. *Amicus* of Trajan, Hadrian (or perhaps out of favour in this reign), Pius. He took Seleucia in T.'s Parthian war, was *praef. urbi* and *cos. II ord.* in 146; 'senatorii ordinis primarius' (Fronto, *ad Ant. Pium*, p. 165 (N)). Nephew of Septicius Clarus (302). *PIR*², E 96.
- 141† L. FABIUS CILO SEPTIMINUS CATINIUS ACILIANUS LEPIDUS FULCINIANUS. *Amicus* and *comes* of Septimius and Caracalla (*ILS* 1141-2; *AE* 1926, no. 79; *Dig.* 1, 15, 4; Dio LXXVII, 5). *Cos.* I in 193; *cos.* II in 204; *praef. urbi*. He tried to reconcile C. and Geta (SHA, *Cara.* 4, 5). After G.'s murder, C. returned

to the palace 'innitens Papiniano et Ciloni' (ib. 3, 2). C. presently tried to have him executed, but Cilo was too popular. *PIR*², F 27.

- 142 AFRICANUS FABIVS MAXIMUS. *Amicus* of Augustus. *Cos. ord.* in 10 B.C., proconsul of Africa 6–5 B.C. For his portrait on coins, see Grant, *From 'Imperium' to 'Auctoritas'*, 140. Brother of the following, and hence related to the imperial family. *PIR*², F 46.
- 143† PAULLUS FABIVS MAXIMUS. *Amicus* of Augustus (*CIL* III, 12240 (*supplevit* Mommsen); Plut. *de Garrul.* 508A, etc.). He married the daughter of L. Marcius Philippus, Augustus' half-brother. *Cos. ord.* in 11 B.C., proconsul of Asia 10–9 B.C. For his portrait on coins, see Grant, *From 'Imperium' to 'Auctoritas'*, 229. Said to have been Augustus' companion on the secret journey to Planasia (Tac. *Ann.* I, 5). A friend of Horace and Ovid. Brother of the above. *PIR*², F 47.
- 144† PAULLUS FABIVS PERSICUS. *Amicus* of Claudius (*ILS* 212). *Cos. ord.* in 34 with L. Vitellius; proconsul of Asia. Son of the above. *PIR*², F 51.
- 145 M. FABIVS QUINTILIANUS. *Amicus* of the Flavians. He was tutor to Domitian's sons and received consular *ornamenta*. This is the great teacher of rhetoric, author of *Inst. Or.* *PIR*², F 59.
- 146† FABIVS SABINUS. Member of Alexander's *consilium* (SHA, *Alex.* 68, 1). Spurious? *PIR*², F 64.
- 147† FABIVS VALENS. *Amicus* of Vitellius (Tac. *Hist.* II, 92). *Cos.* in 69. *PIR*², F 68.
- 148† A. DIDIUS GALLUS FABRICIVS VEIENTO. *Amicus* of Nero, the Flavians, Nerva, Trajan (Tac. *Ann.* XIV, 50). Member of the *rhombus* council (Juv. IV); dined with Nerva (Pliny, *Ep.* IV, 22, 4). *Cos.* II in 80 (*AE* 1948, no. 56); *cos.* III *anno incerto* (possibly 83 with Vibius Crispus III). His relationship to A. Didius Gallus, (133) above, is not known. *PIR*², F 91.
- 149 FLAVIVS ANTIOCHIANUS. *Amicus* of Claudius II, Aurelian; *cos.* II *ord.* with Virius Orfitus in 270; *praef. urbi* in 269, 270, 272. On the descent of his wife from Marcus' sister, see the *stemma*, *PIR*² I, p. 130. *PIR*², F 203.

- 149^a L. FLAVIVS HERMOCRATES. Perhaps a member of Caracalla's *consilium* (*Forsch. in Eph.* (Heberdey), II, 126). A celebrated orator, he married the daughter of Aelius Antipater (6). *PIR*², F 285.
- 150[†] FLAVIVS MATERNIANUS. *Amicus* of Caracalla (Herodian IV, 12, 4), put in charge of the troops in Rome. Tried to warn C. against Macrinus. Barbieri, *Albo* 58, thinks he may have been a senator. *PIR*², F 317.
- 151 (T.) FLAVIVS SABINUS. *Amicus* of Nero; see Tac. *Hist.* III, 75. He had greater *auctoritas* than his brother Vespasian, who was undoubtedly an *amicus*. *Praef. urbi* for (?) twelve years. Tacitus gives him a fine character. It was he who drew up the terms of abdication for Vitellius, but he died in the 'Bellum Capitolinum'. *PIR*², F 352.
- 151^a T. FLAVIVS SABINUS. *Amicus* of Otho, Vitellius, Vespasian. *Cos.* I in 69; *cos.* II in 72 with Mucianus III. His relation to the above is unknown. *PIR*², F 354.
- 151^b T. FLAVIVS SABINUS. *Amicus* of the Flavians (Dio Prus. *Or.* XIII, 1). *Cos. ord.* in 82 with Domitian VIII, subsequently executed. Son of (151) above, son-in-law of Titus. *PIR*², F 355.
- 152 T. FLAVIVS (CLAUDIUS?) SULPICIANUS. *Amicus* of Pertinax, Albinus. Father-in-law of P., who made him *praef. urbi* (Herodian, II, 6, 8). He tried to outbid Iulianus for the purple in 193; one of the *amici* of Albinus executed by Septimius (Dio LXXV, 8, 4). *PIR*², F 373.
- 153[†] T. FLAVIVS VESPASIANUS (the future emperor). *Amicus* and adviser of Claudius, *comes* of Nero in Greece (Philost. *Vit. Apoll.* v, 29, 1; Suet. *Div. Vesp.* 4, 4). *PIR*², F 398.
- 154 L. FVLVIVS ABURNIVS VALENS. Jurist, successor to Iavolenus Priscus; perhaps mentioned as one of Pius' regular *iuris periti*, if Hüttl's emendation of SHA, *Pius*, 12, 1, 'Salvio (Iuliano, Fulvio) Valente' is accepted (but N.B. there is a rescript to a Salvius Valens, *Dig.* 48, 2, 7, 2). W. Hüttl, *Ant. Pius*, I, 79 n. 23; *PIR*², F 526 (Stein; but see vol. II, p. ix, no. 21^b for Groag's view).

- 155 (FULVIUS) MACRIANUS. Valerian's principal general, who persuaded him to persecute the Christians (Euseb. *HE* VII, 10, 4-9), and later betrayed him. *PIR*², F 549.
- 156† C. FVLVIVS PLAUTIANUS. *Amicus, comes, necessarius* of Septimius (SHA, *Sept.* 14, 5; *ILS* 456, 2185, 9003, etc.). His daughter married Caracalla. This was Septimius' mighty *praef. praet., adlectus inter consulares, cos. (II) ord.* in 203 with Geta II. On his overwhelming influence, arrogance and unpopularity see Dio LXXV, 14-16; Herodian III, 10, 6-7. *PIR*², F 554.
- 157 C. FURIUS SABINUS AQUILA TIMESITHEUS. *Amicus* and right-hand man of Gordian III (SHA, *Gord.* 23, 7; 31, 1; 32, 7). He was *praef. praet.*, and his daughter married Gordian in 241. He conducted G.'s Persian expedition. *PIR*², F 581.
- 158 T. FURIUS VICTORINUS. *Praef. praet.* of Marcus and L. Verus from 160 to 166, with Cornelius Repentinus (123). See SHA, *Marcus*, 7, 3. *PIR*², F 584.
- 159 P. GALERIVS TRACHALUS. *Amicus* of Otho (Tac. *Hist.* I, 90), and probably of Vitellius and the Flavians. An eminent orator, thought responsible for a speech of O. *Cos. ord.* in 68, *procos. Afr.* under Vespasian. *PIR*², G 30.
- 160 M. GAVIUS MAXIMUS. *Amicus* of Pius; he was his *praef. praet.* for twenty years (SHA, *Pius*, 8, 7), and a friend of Fronto. *PIR*², G 104.
- 161* L. GELLIUS MAXIMUS. φίλος καὶ ἀρχίστρας of Caracalla (*AE* 1927, no. 171). His son made an attempt on the purple (Dio LXXIX, 7, 1-2). *PIR*², G 131.
- 161a Q. GLITIVS ATILIUS AGRICOLA. *Amicus* of Trajan. *Cos. II suff.* in 103, *praef. urbi* perhaps for most of Trajan's reign. A distinguished administrator and soldier. *PIR*², G 181.
- 162 P. GRAECINIUS LACO. Probably a *comes* of Claudius in Britain (Dio LX, 23, 3). *RE*, Graecinius (Stein); *PIR*², G 202.
- 163* P. HELVIVS PERTINAX (the future emperor). *Amicus* of Marcus, Commodus (Herodian II, 1, 4). He had a brilliant military career under Marcus, was *praef. urbi* for several years after 185, and *cos. II ord.* in 192 with Commodus VII. *PIR*¹, H 49; *RE*, Helvius 15a (Suppl.-Bd. III, 895-904, Fluss).

- 164 HERENNIUS MODESTINUS. *Amicus* of the Severans, Maximinus, Gordian III. A celebrated jurist, he seems to have been tutor to the younger Maximinus, and was 'non contemnendae auctoritatis' under G. *PIR*¹, H 79; *RE*, Herennius 31 (Brassloff).
- 165 SOSSIANUS HIEROCLES. *Amicus* of Diocletian; he was 'auctor et consiliarius' of the Christian persecution (Lact. *de Mort. Pers.* 16, 4). Governor of Bithynia in 303, *praef. Aeg.* *RE*, Hierokles 13 (Seeck).
- 166† M. IALLIVS BASSUS FABIVS VALERIANUS. *Comes* (of Marcus and L. Verus?) (*CIL* XII, 2718). *PIR*¹, I 2; *RE*, Iallius 1 (Kadleč).
- 167 C. IAVOLENVS CALVINUS GEMINIUS CAPITO CORNELIVS POLLIO SQUILLA Q. VULCACIVS SCUPPIDIUS VERUS. Perhaps the jurist of Pius mentioned in SHA, *Pius*, 12, 1 as 'Diabolenus'. See *ILS* 1060. *PIR*¹, I 12; *RE*, Iavolenus 1 (Kadleč).
- 168 (M.) IULIVS AGRIPPA (HEROD AGRIPPA I). *Amicus* of Gaius (Philo, in *Flacc.* 40), and doubtless of Claudius, whom he helped to the throne, and upon whom he had considerable influence. *PIR*¹, I 88; *RE*, Iulius 53 (Rosenberg).
- 169 M. IULIVS AGRIPPA (HEROD AGRIPPA II). *Amicus* of Claudius, Vespasian. He and his sister, Berenice, were amongst the 'founder-members' of the Flavian dynasty. Either he or his father (the above) appears in the 'Acts of Isidore'. *PIR*¹, I 89; *RE*, Iulius 54 (Rosenberg).
- 170† TI. IULIVS ALEXANDER. *Amicus* of Vespasian (Jos. *BJ* v, 45-6). He was with Corbulo in Armenia, and later *praef. Aeg.*, in which capacity he published the celebrated edict (*FIR* 72). Another of the Jewish 'founder-members' of the Flavian regime, he brought the Egyptian legions over to Vespasian and was then Titus' right-hand man in the Jewish war. Finally *praef. praet* (see E. G. Turner in *JRS* XLIV (1954)). *PIR*¹, I 92; *RE*, Iulius 59 (Stein).
- 171* C. IVLIVS ALEXIANUS. *Comes* of Caracalla (*AE* 1921, no. 64; Egger in *JÖAI* 1919, Beibl., 293-322). *RE*, Iulius 62a (Suppl.-Bd. VII, 309, Stein).
- 171a C. IVLIVS ASPER. *Amicus* of Caracalla and Geta. *Cos. II ord.* in 212 with his son, and *praef. urbi*. Banished afterwards, perhaps as a supporter of reconciliation between C. and G. *PIR*¹, I 115; *RE*, Iulius 96 (Göschka).

- 172† C. IVLIVS BASSUS. *Amicus* of Domitian (Pliny, *Ep.* iv, 9, 2). Proconsul of Bithynia, defended by Pliny. *PIR*¹, I 134; *RE*, Iulius 118 (Fluss); but see Syme in *JRS* xxxvi (1946), 162-3.
- 173* IVLIVS CANDIDUS. *Amicus* of Commodus, Ἰούλιος Κάνδιδ[ος ὁ φίλος μου...]. Perhaps a descendant of the following. It is not certain that he was a senator. Raubitschek in *Hesperia*, Suppl. 8, 288.
- 174 TI. IVLIVS CANDIDUS MARIUS CELSUS. *Amicus* of the Flavians and Trajan; *cos.* I *suff.* in 86; *cos.* II *ord.* in 105 with Antius Iulius Quadratus II (and perhaps *praef. urbi*). *PIR*¹, I 164; *RE*, Iulius 166 (Groag).
- 175† C. IULIUS EURYCLES. *Amicus* of Augustus (Strab. 366c). On this and other members of the leading family of Sparta, see H. Box in *JRS* xxi (1931), 201, 206. *PIR*¹, I 198; *RE*, Iulius 220 (Groag).
- 176 SEX. IVLIVS FRONTINUS. *Amicus* of the Flavians, Nerva, Trajan. The great soldier; he was a *comes* of Domitian in the war against Civilis in 70; from 74 to 77 or 78 he governed Britain; in 83 he was again *comes* of D. in the Chattic war; *curator aquarum* in 97; *cos.* II *suff.* with Trajan II in 98; *cos.* III *ord.* with Trajan III in 100. *PIR*¹, I 216; *RE*, Iulius 243 (Kappelmacher).
- 177† IULIUS MARINUS. *Amicus* of Tiberius (Tac. *Ann.* vi, 10); a friend of Seianus. *PIR*¹, I 271; *RE*, Iulius 339 (Stein).
- 178† IULIUS MONTANUS. *Amicus* of Tiberius (Sen. *Ep.* 122, 11). A poet. *PIR*¹, I 291; *RE*, Iulius 364 (Diehl).
- 179† C. IULIUS PACATIANUS. *Comes* of Septimius, Caracalla and Geta (in Septimius' Parthian war?) (*ILS* 1353). *PIR*¹, I 297; *RE*, Iulius 373 (Stein).
- 180† IULIUS PAULUS. Member of Septimius' and Alexander's *consilia* (*Dig.* 4, 4, 38, etc.; SHA, *Alex.* 68, 1). The great jurist and *praef. praet.* *PIR*¹, I 303; *RE*, Iulius 382 (Berger).
- 181† IVLIVS PLANTA. *Amicus* and *comes* of Claudius (*ILS* 206). The fact that he was a *comes* does not, in my view, make it certain that he was a senator. *PIR*¹, I 316; *RE*, Iulius 394 (Stein).
- 182 C. IVLIVS PRISCUS. Brother of the Emperor Philip, his *praef. praet.* and *rector Orientis*. *PIR*¹, I 329; *RE*, Iulius 409 (Stein).

- 183* C. IVLIVS QUADRATUS BASSUS. *Comes* of Trajan (*AE* 1934, no. 177, '[adlec]to inter co[mite]s Aug.'). The general who conquered Decebalus in the second Dacian war, later governed Dacia and was given a public funeral at Pergamum. Von Premerstein in *SBAW* 1934, III, 61-2; *RE*, Iulius 425 a (Suppl.-Bd. VII, 311, Groag); Syme in *JRS* XXXVI (1946), 162-3.
- 184† C. ANTIUS A. IVLIVS QUADRATUS. *Amicus* of Trajan (*IGRR* IV, 336). *Cos.* I in 94; *cos.* II *ord.* in 105. *RE*, Antius 10 and Suppl.-Bd. 1, 95, no. 10 (von Rohden); Iulius 425 (Groag); Syme in *JRS* XXXVI (1946), 162-3.
- 185 C. IVLIVS SEPTIMIUS CASTINUS. *Amicus* of Septimius and Caracalla (Dio LXXVIII, 13, 2). A soldier; removed from his post in Dacia by Macrinus in 217 for his friendship with the murdered Caracalla. *PIR*¹, I 368; *RE*, Iulius 477 (Hohl).
- 186 C. IVLIVS SEVERUS. *Amicus* of Hadrian, Pius. A soldier and administrator (from Galatia), he was *adlectus inter tribunicios* by Hadrian; reorganized Bithynia (Dio LXIX, 14, 4); *cos.* about 140; proconsul of Asia. Aristides, I, 77 (K), calls him 'τῶν βασιλικῶν . . . δικαστῶν εἰς', which may mean a member of the *consilium*. *PIR*¹, I 375; *RE*, Iulius 484 (Groag) and cf. 485. C. IVLIVS SEVERUS (*cos.* in 155, perhaps *comes* of L. Verus) and A. IVLIVS SEVERUS (*AE* 1905, no. 236, perhaps *comes* of Marcus) are members of the same family, but not so the great soldier SEX. MINICIUS FAUSTINUS CN. IVLIVS SEVERUS, *cos.* in 127.
- 187† CN. IVLIVS VERUS. *Amicus* of Marcus, L. Verus (*ILS* 5864). He was the practical leader of Verus' Parthian expedition 163-6, though Cassius received the honours. *RE*, Iulius 525 (Groag).
- 188† L. IULIUS VESTINUS. *Amicus* of Claudius (*ILS* 212), Nero, Vespasian, (?) Titus. *Praef. Aeg.* under Nero (*IGRR* I, 1374, 1379); he was 'auctoritate famaue inter proceres', and given the task of rebuilding the Capitol (Tac. *Hist.* IV, 53). He may appear as a member of Titus' *consilium* in the new fragment of the 'Acts of the Pagan Martyrs' published by C. H. Roberts in *JRS* XXXIX (1949), 79-80. *PIR*¹, I 408; *RE*, Iulius 529 (Stein).
- 189† M. (IVLIVS) VESTINUS ATTICUS. *Amicus* of Nero (Tac. *Ann.* XV, 68, 4). *Cos.* in 65, forced to commit suicide. Perhaps son of the above. *PIR*¹, I 410.

- 190 L. IVLIVS URSUS. *Amicus* of Domitian, Trajan. *Cos. suff.* in 98 with Trajan II. Groag (quoted by Stein) thinks this may be his *second* consulship, and that it was he and not Vestricius Spurinna who was *cos. III* in 100 after Frontinus. If so, it may be he who was *cos. I suff.* in 84 (Dio LXVII, 3, 1; 4, 2), and whose influence upon Domitian prevented the execution of Domitia Longina. *RE*, Iulius 536a (Suppl.-Bd. VII, 1623-5, Stein).
- 191† L. IVLIVS URSUS SERVIANUS. *Amicus* of Trajan, Hadrian (Pliny, *Ep.* x, 2, 1). Hadrian's brother-in-law; for military services, *cos. II* in 102 with Sura II, *cos. III* in 134 (the last private individual to receive this honour). Trajan (? Hadrian) considered him a possible successor (Dio LXIX, 17, 3); and H. regularly went to greet him when he emerged from his chamber (SHA, *Had.* 8, 11). Executed (or driven to suicide) in 136, at a great age, for opposing H.'s dynastic plans with a rival candidate, Pedanius Fuscus (249). Perhaps son of the above? *PIR*¹, I 417; *RE*, Iulius 538 (Groag).
- 192 Q. IVNIVS BLAESUS. *Amicus* of Augustus, Tiberius. *Cos. suff.* in 10; governor of Pannonia in 14, when the mutiny broke out; proconsul of Africa in 21; received the last private imperial salutation and a laureate statue in Rome, for his defeat of Tacfarinas. A relative of Seianus, implicated in the latter's fall. For coins of the African province issued by his permission, see Grant, *Aspects* 51, 55. *PIR*¹, I 479; *RE*, Iunius 41 (Riba).
- 193† C. IVNIVS FAUSTINUS POSTUMIANUS. 'Adlectus inter co[mit]es Augg.' (*CIL* VIII, 597), in the third century (Barbieri, *Albo*, 77 n. 1, thinks probably Septimius and Caracalla). *PIR*¹, I 490; *RE*, Iunius 74 (Riba).
- 194† M. IVNIVS (H)OMULLUS. *Amicus* of Trajan (SHA, *Alex.* 65, 5). Governor of Cappadocia in 114 (Dio LXVIII, 19). It is not certain whether *ILS* 2404 refers to him or his son (*RE*, Iunius 82), nor whether the Titius Homullus of Pliny (*Ep.* iv, 9, 15) has anything to do with him: he can hardly be the Valerius Homullus (331) who was a friend of Pius. *RE*, Iunius 81 (Groag); cf. Titius 30 (M. Fluss).
- 195† IVNIVS MAURICUS. *Amicus* of Nerva and a member of Trajan's *consilium* (Pliny, *Ep.* iv, 22). *PIR*¹, I 504; *RE*, Iunius 94 (Groag).

- 196† Q. IVNIVS RUSTICUS. *Amicus* of Marcus, L. Verus (*Dig.* 49, 1, 1, 3); 'cum quo omnia [Marcus] communicavit publica privataque consilia' (SHA, *Marcus*, 3, 3). The Stoic teacher of M. (τὰ εἰς ἑαυτ. 1, 7). *Cos.* II *ord.* in 162; *praef. urbi.* *PIR*¹, I 535; *RE*, Iunius 146 (v. Arnim-Riba).
- 197† IVNIVS SEVERUS. *Contubernalis* of Commodus (SHA, *Alb.* 14, 1). Spurious? *PIR*¹, I 538; *RE*, Iunius 152 (Riba).
- 198* C. APPIUS IVNIVS SILANUS. *Amicus* of Claudius (Dio LX, 14, 3). Married Messallina's mother. Executed in 42 through the influence of Messallina and Narcissus. *PIR*¹, I 541; *RE*, Iunius 155 (Hohl).
- 199† D. (IVNIVS) SILANUS. *Amicus* of Augustus (Tac. *Ann.* III, 24, 5). Exiled for his adultery with the younger Iulia. *PIR*¹, I 546; *RE*, Iunius 164 (Hohl).
- 200† L. IVNIVS SILANUS. *Comes* of Claudius in Britain (Dio LX, 21, 5). He was C.'s son-in-law; fell from favour in 48 and committed suicide. *PIR*¹, I 559; *RE*, Iunius 180 (Hohl).
- 201 P. IVVENTIVS CELSUS T. AUFIDIUS HOENIUS SEVERIANUS. A member of Hadrian's *consilium* (SHA, *Had.* 18, 1, reading, with Casaubon, 'Iu<ven>tium'). *Cos.* II *ord.* in 129 with Neratius Marcellus II. Last head of the Proculians; an important jurist. *PIR*¹, I 590; *RE*, Iuventius 13 (Diehl).
- 202 M'. LABERIVS MAXIMUS. *Amicus* of Trajan; he was T.'s chief general in the first Dacian war; *cos.* II *ord.* with Trajan V in 103. But he conspired to seize the throne and was banished. *PIR*¹, L 4; *RE*, Laberius 11 (Groag).
- 203† M. PONTIUS LAELIANUS LARCIVS SABINUS. *Comes* of Marcus and L. Verus (*ILS* 1094, 1100—perhaps: Bang refers to an 'Unbekannter'; and see Syme in *JRS* XXXVI (1946), 167). *Cos. suff.* in (?)144. *PIR*¹, P 600; *RE*, Pontius 35 (Wolf).
- 204 M. LICINIVS CRASSUS FRUGI. *Amicus* of Tiberius, Claudius. *Cos. ord.* in 27. *Comes* of C. in Britain with his son, who had married C.'s daughter; he received triumphal *ornamenta* for the second time (Suet. *Div. Claud.* 17, 3). Executed with his son in 47. *PIR*¹, L 130; *RE*, Licinius 73 (Groag).
- 205† C. LICINIVS MUCIANUS. *Amicus* of Vespasian (Suet. *Div. Vesp.* 13; Dio LXVI, 2). The 'king-maker' of the Flavian dynasty, who

preceded V.'s return to Rome, and conducted himself as 'consors imperii' (Tac. *Hist.* III, 75). *Cos.* II *suff.* in 70; III *suff.* in 72. *PIR*¹, L 147; *RE*, Licinius 116a (Kappelmacher).

- 206† A. LICINIVS NERVA SILIANUS. *Amicus* of Augustus (Vell. II, 116, 4). *Cos. ord.* in 7, he died before reaching the heights for which his position as son of P. Silius (306) destined him. *PIR*¹, L 153; *RE*, Licinius 137 (Nagl).
- 207† LICINIUS PROCULUS. *Amicus* of Otho (Tac. *Hist.* I, 46). As *praef. praet.*, he led Otho's campaign against Vitellius to disaster. *PIR*¹, L 159; *RE*, Licinius 147 (Stein).
- 208† M. CN. LICINIVS RUFINUS. *Amicus* of (?) Alexander (*IGRR* IV, 1215-16). Jurist, pupil of Paulus. *PIR*¹, L 163-4; *RE*, Licinius 151 (Miltner-Berger).
- 209† L. LICINIVS SURA. *Amicus* of Trajan (Dio LXVIII, 15, 4; Jul. *Caes.* 327B, ἐπιτρέπειν γὰρ εἰώθει τὰ πολλὰ τῷ Σούρᾳ γράφειν ὑπὲρ αὐτοῦ). The great Spanish soldier and minister; secured the throne for T., was his *comes* in the Dacian wars and negotiated with Decebalus. *Cos.* II *ord.* in 102 with Servianus II; *cos.* III *ord.* in 107. *PIR*¹, L 174; *RE*, Licinius 167 (Groag).
- 210 P. LICINIVS VALERIANUS (the future emperor). *Amicus* of Decius (Zon. XII, 20; SHA, *Val.* 5, 4). *PIR*¹, L 178; *RE*, Licinius 173 (Wickert).
- 211† Q. HEDIUS RUFUS LOLLIANVS GENTIANUS. *Comes* of Septimius and Caracalla (*ILS* 1145). *PIR*¹, H 27; *RE*, Lollianus 5 (Miltner).
- 212 M. LOLLIVS. *Amicus* of Augustus. One of A.'s early supporters and chief soldiers, he was *cos. ord.* in 21 B.C., but was involved in the 'clades Lolliana', 16 B.C. He was given to C. Caesar as his 'moderator iuventae' in the East, but fell from grace. *PIR*¹, L 226; *RE*, Lollius 11 (Groag).
- 213 Q. LOLLIVS URBICUS. *Praef. urbi* of Pius, the builder of the Antonine Wall. *PIR*¹, L 240. *RE*, Lollius 28 (Miltner).
- 214† LVCILIVS LONGUS. *Comes* of Tiberius at Rhodes before his accession (Tac. *Ann.* IV, 15). *PIR*¹, L 287; *RE*, Lucilius 27 (Miltner).

- 214a L. LVCILIVS PRISCILLIANUS. *Amicus* of Caracalla (Dio LXXVIII, 21, 3-5). *PIR*¹, P 706; Barbieri, *Albo*, 81-2, no. 337.
- 215† LUSIUS GETA. *Amicus* of Claudius (Tac. *Ann.* XI, 31). *Praef. praet.*, dismissed in 52 (ib. XII, 42, 1); *praef. Aeg.* in 54. *PIR*¹, L 322; *RE*, Lusius 4 (Stein).
- 216 LVSIVS QUIETUS. *Amicus* of Trajan. One of the great generals of the first Dacian war and the Parthian war; it was he who stamped out the Jewish rebellion. On his influence, see Themist. *Or.* XVI, 205a (p. 250 Dind.). He was one of the 'Four Consulars' executed by Hadrian for alleged conspiracy in 118. *PIR*¹, L 325; *RE*, Lusius 9 (Groag).
- 217† Q. (L)VTETIVS LUSIUS SATURNINUS. *Amicus* of Claudius (Sen. *Apoc.* 13; Tac. *Ann.* XIII, 43). *PIR*¹, L 327; *RE*, Lutetius 1 (Miltner).
- 218 M. MACRINIUS VINDEX. *Praef. praet.* of Marcus, a member of the *consilium* (SHA, *Marcus*, 11, 10). Fell in the Marcomannic war: he and Bassaeus Rufus (58) were honoured with statues, etc. *PIR*¹, M 19; *RE*, Macrinus 6 (Stein).
- 219† C. MAECENAS. *Amicus* of Augustus (Suet. *Div. Aug.* 66, 3, etc.). On his function, see Hor. *Carm.* III, 8, 17-28; 29, 25-8. He was the first of Augustus' secret agents, as well as a writer and patron of literature. *PIR*¹, M 30; *RE*, Maecenas 6 (Stein-Kappelmacher).
- 220 Q. MAECIVS LAETUS. *Amicus* of Septimius, Caracalla. *Praef. Aeg.* in 201-3; *praef. praet.* in 205 with Papinian, perhaps till the latter's fall in 212. *Cos.* (II?) *ord.* in 215. Probably not to be identified with the Laetus of SHA, *Cara.* 3, 4, who persuaded C. to murder Geta and was himself the first to fall afterwards. *PIR*¹, M 43; *RE*, Maecius 13 (Stein).
- 221* M. M(A)EVIUS ROMANUS. *Comes* of an emperor (*CIL* VIII, 16809). *PIR*¹, M 412; *RE*, Mevius 9 (Stein).
- 222 C. MARCIVS CENSORINUS. *Amicus* of Augustus. *Cos. ord.* in 8 B.C. with Asinius Gallus. Proconsul of Asia. *PIR*¹, M 163; *RE*, Marcus 44 (Miltner).
- 223† Q. MARCIUS TURBO T. FLAVIUS PRISCUS GALLONIUS FRONTO PUBLICIUS SEVERUS. *Amicus* of Hadrian (SHA, *Had.* 4, 2).

Praef. praet., soldier and administrator. On his influence see Dio LXIX, 18, 1-4. He fell foul of H. in the end. *PIR*¹, M 179; *RE*, Marcius 107 (Stein); *AE* 1946, no. 113.

- 224† SEX. MARIUS. *Amicus* of Tiberius (Dio LVIII, 22, 2; Tac. *Ann.* IV, 36, 1). The original owner of the 'Montes Mariani'. *PIR*¹, M 219; *RE*, Marius 28 (Stein).
- 225† MARIVS CELSUS. *Amicus* of Galba, Otho, Vitellius; he takes part in the 'comitia imperii' (Tac. *Hist.* I, 14). Intimate friend of Otho (Plut. *Otho*, 7; Tac. *Hist.* I, 45; 71). Vitellius gave him the consulship for which he was designate. *PIR*¹, M 223. *RE*, Marius 34 (Miltner).
- 226 L. MARIVS MAXIMUS PERPETUUS AURELIANUS. *Amicus* of Alexander, Macrinus. *Cos.* II *ord.* in 223; *praef. urbi* of Macrinus. (Letter of M. to him; Dio LXXVIII, 36.) The biographer. *PIR*¹, M 233; *RE*, Marius 48 (Miltner).
- 227 MASSURIUS SABINUS. *Amicus* of Tiberius. The jurist with the *ius respondendi* (Pomponius in *Dig.* I, 2, 2, 48-50); he was made an *eques* late in life (perhaps to qualify him for *amicitia principis*). *PIR*¹, M 271; *RE*, Sabinus 29 (Steinwenter).
- 228† C. MATIUS. *Amicus* of Augustus (Pliny, *NH* XII, 13). He invented topiary. *RE*, Matius 2 (Stein).
- 229 MESSIUS. Jurist, appears in a discussion of the *consilium* with Papinian (*Dig.* 49, 14, 50). He is probably identical with P. Messius Saturninus, *fisci advocatus sacri auditori* (*AE* 1932, no. 34). *PIR*¹, M 370; *RE*, Messius 1 (Kroll); Suppl.-Bd. VII, 447 (Stein).
- 230 C. MESSIVS QUINTUS TRAIANUS DECIUS (the future emperor). *Amicus* of Alexander, Maximinus, Philip. *Praef. urbi* in 249 or earlier. *RE*, Messius 9 (Wittig); *PIR*², D 28? (q.v.).
- 230a L. MESTRIVS FLORUS. *Amicus* of Vespasian (Suet. *Div. Vesp.* 22) and patron of Plutarch. *PIR*¹, M 380; *RE*, Mestrius 3 (Fluss).
- 231 L. MINICIVS NATALIS QUADRONIUS VERUS. *Amicus* of Hadrian. *Cos.* between 130 and 134; proconsul of Africa. *PIR*², M 440; *RE*, Minicius 19 (Groag).

- 232† MONTANUS. *Amicus* of Nero, Domitian; a member of the *rhombus* council (Juv. IV). His identification with one of the Curtii Montani, suggested as possible by Bang, is rejected by Groag. *PIR*¹, J 512; M 494; *RE*, Iunius 105; *PIR*², C 1615–16. Mr H. B. Mattingly has suggested to me an identification with T. Junius Montanus, *cos. suff.* in 81.
- 233† NAEVIUS SERTORIUS MACRO. *Amicus* of Tiberius, Gaius, Claudius (before his accession) (Suet. *Cal.* 26, 1; the 'Acts of Isidore', *P. Lond.* 2785, col. 1). As *praef. praet.* he dealt with Seianus in 31, and helped Gaius to the throne, but was in the end forced to commit suicide for opposing him. Isidore appears to have had a hand in his downfall (but see A. Stein, *Die Präfecten von Ägypten*, 28). *PIR*¹, N 10; *RE*, Naevius 21 (Stein).
- 234† L. NERATIVS MARCELLUS. *Amicus* of Trajan, Hadrian (SHA, *Had.* 15, 4; Zumpt reads 'Publicium Marcellum'). *Cos. II ord.* in 129. Brother of the following. *PIR*¹, N 43; *RE*, Neratius 9 (Groag).
- 235† L. NERATIVS PRISCUS. *Amicus* of Trajan (SHA, *Had.* 18); a member of T.'s *consilium* (*Dig.* 37, 12, 5). The well-known jurist. Trajan is said (perhaps wrongly) to have been inclined to destine him for the succession. *Cos. suff.* in 87 (*AE* 1949, no. 23, the Fasti of Potentia). *PIR*¹, N 46; *RE*, Neratius 15 (Berger).
- 236† L. NONIVS ASPRENAS. *Amicus* of Augustus (Suet. *Div. Aug.* 56, 3; Dio LV, 4, 3). *Cos.* in 6; he prevented the Varian disaster from having repercussions on the Rhine. Proconsul of Africa in 14. *PIR*¹, N 93; *RE*, Nonius 16 (Groag) (but see 15, where G. suggests that the *amicus* was this man's father).
- 237† M. NONIVS MACRINUS. *Comes* of Marcus (*ILS* 8830). *PIR*¹, N 108; *RE*, Nonius 36 (Lambrechts).
- 238 M. OCLATINIVS ADVENTUS. *Amicus* of Caracalla. He was *praef. praet.* after the fall of Papinian. Adlected to the senate by Macrinus, *cos. ord.* with him in 218. *PIR*¹, O 9.
- 239 C. OCTAVIVS TIDIUS TOSSIANUS L. IAVOLENUS PRISCUS. *Amicus* of Trajan (perhaps Pliny *Ep.* VI, 15, 3, 'adhibetur consiliis'). The distinguished jurist, teacher of Salvius Iulianus;

commander of legions, *cos. suff.* in 86 (*AE* 1949, no. 23, the Fasti of Potentia), governor of Upper Germany, Syria and Africa. *PIR*¹, O 40; *RE*, Octavius 59 (Berger).

- 240† OFONIUS TIGELLINUS. *Amicus* of Nero (Schol. ad Juv. I, 155; Tac. *Ann.* XIV, 51). *Praef. praet.* from 62, he stepped into the place of Seneca and Burrus. *PIR*¹, S (*sic*) 540; *RE*, Ofonius Tigellinus (Stein).
- 241 M. OPELLIUS MACRINUS (the future emperor). *Amicus* of Caracalla. A jurist, he was C.'s *praef. praet.* with Adventus (238) from 212, and received consular *ornamenta*. A friend of Plautianus and Cilo. *PIR*¹, O 71; *RE*, Opellius 2 (von Petrikovits).
- 242† OTACILIUS SAGITTA. *Amicus* of Vespasian (*CIL* x, 8038 'amicus et procurator'). *PIR*¹, O 116; *RE*, Otacilius 17 (Stein).
- 243† C. OVINIUS TERTULLUS. *Amicus* of Septimius, Caracalla (*ILS* 423 'legatus et amicus noster'). *PIR*¹, O 127; *RE*, Ovinus 10 (W. Hoffmann).
- 244* PACCIIUS. *Amicus* of an emperor? (Plut. *de Tranq. An.* 465 a; 467 d; 468 b). For possible identifications, see *RE*, Paccius 3 (Kroll); 7 (M. Hofmann); but see above, Ch. IV, p. 55 n. 2, for discussion.
- 245† M. PALFVRIUS SURA. *Amicus* of Domitian (Schol. ad Juv. IV, 53). Rhetor, poetaster, *delator*. *PIR*¹, P 46; *RE*, Palfurius 2 (Hanslik).
- 246† SEX. PALPELLIVS HISTER. *Comes* of Tiberius before his accession (*ILS* 946). *Cos. suff.* in 43; governor of Pannonia. *PIR*¹, P 53; *RE*, Palpellius 2 (Hanslik).
- 247† C. PASSIENVS CRISPUS (C. SALLUSTIUS CRISPUS PASSIENUS). *Comes* of Gaius (Schol. ad Juv. IV, 81). He 'omnium principum gratiam adpetivit'. *Cos. i suff.* in 27; proconsul of Asia, 42-3; *cos. II ord.* in 44. He was one of the husbands of Agrippina II. *PIR*¹, P 109; *RE*, Passienus 2 (Hanslik); A. Degrassi, *Fasti Consolari*, 9.
- 248 L. PASSIENVS RUFUS. *Amicus* of Augustus. For his portrait on coins see Grant, *From 'Imperium' to 'Auctoritas'*, 139-40. *Cos. ord.* in 4 B.C.; proconsul of Africa. *PIR*¹, P 111; *RE*, Passienus 6 (Hanslik).

- 249 PEDANIVS FUSCUS (SALINATOR). *Amicus* and great-nephew of Hadrian, groomed for the purple by Servianus (191), but executed with him in 136 (Dio LXIX, 17, 1). Son (grandson?) of the following. *PIR*¹, P 142; *RE*, Pedanius 4 (Groag).
- 250 CN. PEDANIVS FUSCUS SALINATOR. *Amicus* of Trajan, Hadrian. He married Servianus' daughter and was *cos. ord.* with Hadrian in 118. Barrister, pupil of Pliny; the son of an important consular family (his father was a big Trajanic figure). Father (grandfather?) of the above. *PIR*¹, P 144; *RE*, Pedanius 6 (Groag).
- 251† PEGASVS. *Amicus* of Vespasian, Domitian; a member of the *rhombus* council (Juv. IV). *Praef. urbi* of all the Flavians (but see above, Ch. IV, p. 50 n. 2). Author of the S.C. Pegasianum and a noted jurist. *PIR*¹, P 164; *RE*, Pegasos (*sic*) 4 (Berger).
- 252† C. PESCENNIVS NIGER. *Amicus* of Commodus (SHA, *Niger*, 6, 8; the whole *Vita* is unreliable). *PIR*¹, P 185; *RE*, Pescennius 2 (Reusch).
- 252a Q. PETILLIVS CERIALIS CAESIUS RUFUS. *Amicus* (and relative) of Vespasian. The celebrated soldier, *cos. II suff.* in 74. Q. Petillius Rufus, perhaps his brother or son, was *cos. II ord.* in 83. *PIR*¹, P 191; *RE*, Petillius 8 (Swoboda).
- 253† P. PETRONIVS. *Amicus* of Claudius (Sen. *Apoc.* 14, 2). *Cos. suff.* in 19; governor of Syria in 39. For coins, see Grant, *Aspects*, 53, 56. *PIR*¹, P 198; *RE*, Petronius 24 (Hanslik).
- 254† T. PETRONIVS (ARBITER). *Amicus* of Nero (Tac. *Ann.* XVI, 18, who calls him C., followed by Bang). The famous courtier, involved in the Pisonian conspiracy. *PIR*¹, P 201; *RE*, Petronius 29 (Kroll).
- 255 M. PETRONIVS MAMERTINUS. *Amicus* of Pius. *Praef. praet.* with Gavius Maximus from 140, *cos. suff.* in 150; a close friend of Fronto (*ad Am.* p. 180 (N)). Father of the following. *PIR*¹, P 212; *RE*, Petronius 44 (Stein-W. Hoffmann).
- 256 M. PETRONIVS SURA MAMERTINUS. *Amicus* of Marcus, Commodus. He was a son-in-law of Marcus (SHA, *Comm.* 7, 5). *Cos. ord.* in 182, eventually executed with his brother Septimianus by Commodus. *PIR*¹, P 229; *RE*, Petronius 71 (W. Hoffmann).

- 257 L. PETRONIVS TAURUS VOLUSIANUS. *Amicus* of Gallienus. He was doubtless among the 'satellites propinquosque' of G. killed by the Senate (Vict. *Caes.* 33, 31). *Praef. praet; cos. ord.* in 261 with G.; *praef. urbi* in 267; he was certainly G.'s right-hand man, and Groag thinks he may have been a relative of the emperor. *PIR*¹, P 231; *RE*, Petronius 73 (Groag).
- 258† A. PLATORIVS NEPOS APONIVS ITALICUS MANILIANUS C. LICINIUS POLLIO. *Amicus* of Hadrian (SHA, *Had.* 4, 2; 15, 2). Perhaps regarded as a possible successor at one stage (ib. 23, 4-6), though he earned H.'s detestation in the end. *Cos. suff.* in 119 with H.; he built Hadrian's Wall. *PIR*¹, P 337; *RE*, Platorius 2 (Betz).
- 259 A. PLAVTIVS. *Amicus* of Claudius. *Cos. suff.* in 29; led the British expedition, and received an *ovatio* (Tac. *Ann.* XIII, 32, 3; Suet. *Div. Claud.* 24, 3), being connected with the imperial family, though not of the most influential branch of the Plautii. *PIR*¹, P 344 (and stemma p. 46); *RE*, Plautius 39 (M. Hofmann).
- 260* P. PLAVTIVS PULCHER. *Comes* of Drusus (Germanicus' son) (*ILS* 964). Brother-in-law of Claudius, he was adlected *inter patricios* by him. Son of the following. *PIR*¹, P 355; *RE*, Plautius 46 (M. Hofmann).
- 260a M. PEDUCAEUS PLAVTIVS QUINTILLUS. *Amicus* and son-in-law of Marcus; *cos. ord.* in 177 with Commodus I. Opposed the weak policy of Didius Iulianus in 193 (SHA, *Did. Iul.* 6, 6). Executed by Septimius c. 205 (Dio LXXVI, 7, 3-5). *PIR*¹, P 358; *RE*, Plautius 54 (Hanslik).
- 261 M. PLAVTIVS SILVANUS. *Amicus* of Augustus. For his coin-portrait, see Grant, *From 'Imperium' to 'Auctoritas'*, 229, 338. *Cos. ord.* in 2 B.C. with Augustus XIII; proconsul of Asia; dealt with the Isaurian bandits in 6 (Dio LV, 28, 3). Son of Livia's friend Urgulania; father of the above. *PIR*¹, P 361; Syme in *Klio* XXVII (1934), 139-43 and in *Anatolian Studies presented to W. H. Buckler*, 332; *RE*, Plautius 43 (M. Hofmann).
- 262† TI. PLAVTIVS SILVANUS AELIANUS. *Comes* of Claudius in Britain, *amicus* of the Flavians (*ILS* 986). *Cos. suff.* in 45, proconsul of Asia and governor of Moesia under Nero. Vespasian gave him triumphal *ornamenta*. Governor of Spain in the period of re-organization 70-3; *cos.* II in 74, *praef. urbi*. His relation to

the above is uncertain; by blood he was presumably related to the powerful Aelii Lamiae. *PIR*¹, P 363; *RE*, Plautius 47 (M. Hofmann).

- 263† C. PLINIUS CAECILIUS SECUNDUS. Member of Trajan's *consilium* (*Ep.* IV, 22; VI, 22; VI, 31). *Cos. suff.* in 100, specially appointed to Bithynia c. 111. *PIR*¹, P 370; *RE*, Plinius 6 (Schuster).
- 264† C. PLINIUS SECUNDUS. *Amicus* of Vespasian, Titus (Pliny, *Ep.* III, 5, 7). *PIR*¹, P 371; *RE*, Plinius 5 (Ziegler-Kroll).
- 265† L. PLOTIVS SABINUS. *Amicus* of Pius (*ILS* 1078). *PIR*¹, P 393; *RE*, Plotius 13 (Lambertz). See also above, p. 23 and n. 8.
- 266† CN. POMPEIVS FEROX LICINIANUS. Perhaps the 'Pompeius' who attended the *rhombus* council (Juv. IV). *Cos. suff.* in 98 (*Fast. Ost.*, *AE* 1940, no. 93, and *ILS* 3355); *PIR*¹, P 461; *RE*, Pompeius 81 (Hanslik). But see above, Ch. IV, p. 51 n. 1.
- 267† POMPEIUS LONGINUS. *Amicus* of Galba (Tac. *Hist.* I, 31). Otherwise unknown. *PIR*¹, P 468; *RE*, Pompeius 89 (Lambertz).
- 268† M. (?) POMPEIUS MACER. *Amicus* of Augustus, Tiberius (Strab. 618c). For his portrait on coins, see Grant, *From 'Imperium' to 'Auctoritas'*, 136 n. 3, 388. The son of Theophanes of Mitylene; his own son was praetor in 15 (Tac. *Ann.* I, 72, 4). Involved in the conspiracy of 33 (ib. VI, 18, 4; Suet. *Tib.* 57, 2). (Furneaux, however, and *PIR* treat the 'illustres eques' of the conspiracy as this man's son, and the praetor as his grandson.) He was Augustus' first state librarian (Suet. *Div. Jul.* 56, 7), and procurator of Asia. *PIR*¹, P 472; *RE*, Pompeius 92 (Hanslik, who thinks his *praenomen* was Cn.).
- 269† CN. POMPEIVS MAGNUS. *Comes* of Claudius in Britain (Dio LX, 21, 5); he was C.'s son-in-law, and son of (204). *PIR*¹, P 477.
- 270† POMPEIVS PEDO. *Amicus* of Claudius (Sen. *Apoc.* 13). Otherwise unknown. *PIR*¹, P 481; *RE*, Pompeius 101 (Lambertz).
- 271† C. POMPEIUS PLANTA. *Amicus* of Trajan (Pliny, *Ep.* X, 7 (23); 10 (5)). *Praef. Aeg.* in 98. *PIR*¹, P 483; *RE*, Pompeius 103 (Lambertz).

- 272* POMPONIVS BASSUS. *Princeps senatus* under Claudius Gothicus; *cos. II ord.* with Aurelian in 271; *praef. urbi*; *comes* of A. (*CIL* VI, 3836). For the difficulties attending this identification, see Ch. VII above, p. 95, and Barbieri, *Albo*, 303-4. *PIR*¹, P 527; *RE*, Pomponius 37 (Wolf).
- 273† L. POMPONIVS FLACCUS. *Amicus* of Tiberius (Suet. *Tib.* 42, 1). *Cos. ord.* in 17, governor of Syria. *PIR*¹, P 538.
- 274* POMPONIVS LABEO. *Amicus* of Tiberius (Tac. *Ann.* VI, 29, 3). He governed Moesia in 26 under the general supervision of Poppaeus Sabinus. *PIR*¹, P 546; *RE*, Pomponius 51 (Hanslik).
- 275† T. POMPONIVS PROCULUS VITRASIVS POLLIO. *Comes* of Marcus, Commodus (*ILS* 1112). Governor of Hither Spain and Lower Moesia; proconsul of Asia; *cos. II ord.* in 176. Married a cousin of Marcus. *PIR*¹, P 558; *RE*, Pomponius 67 (Lambertz).
- 275a M. PONTIVS LAELIANUS LARCIUS SABINUS. See (203) above, which should be entered here.
- 276† C. POPPAEVS SABINUS. *Amicus* of Augustus, Tiberius (Tac. *Ann.* VI, 39, 3). For his portrait on coins, see Grant, *From 'Imperium' to 'Auctoritas'*, 229. *Cos. ord.* in 9, governor of Moesia 11-35, with Achaëa and Macedonia in his tenure as well. *PIR*¹, P 627; *RE*, Poppaeus 1 (Hanslik).
- 277 Q. POPPAEVS SECUNDUS. Perhaps an *amicus* of Augustus, Tiberius. *Cos. suff.* in 9, joint author of the Lex Papia Poppaea. Brother of the above. For his coins in Asia, see Grant, *Aspects*, 52, 56. *PIR*¹, P 628; *RE*, Poppaeus 2 (Hanslik).
- 278† C. PROCULEIVS. *Amicus* of Augustus (Tac. *Ann.* IV, 40, 8; Dio LIV, 3, 5). Maecenas' brother-in-law. *PIR*¹, P 736.
- 279 C. QUINCTIVS CERTUS PVBLICIVS MARCELLUS. *Cos. suff.* in 120; governor of Syria c. 132-5. On Zumpt's reading he is the *amicus* of Hadrian in SHA, *Had.* 15, 4. But Groag (*RE*, Neratius 9, 2544) points out that he survived H. See (234). *PIR*¹, P 779.
- 280† L. PVBLILIVS CELSUS. *Amicus* of Trajan (Dio LXVIII, 16, 2). Like Palma he received a statue; he was obviously one of T.'s right-hand men, but it is not known in what sphere. *Cos. II ord.* in 113. He was one of the 'Four Consulars' executed by Hadrian at the beginning of his reign. *PIR*¹, P 782.

- 281† CN. PVLLIVS POLLIO. *Comes* of Augustus (*ILS* 916, as restored). *PIR*¹, P 802.
- 282* (T.) QVARTINVS. *Amicus* of Alexander (Herodian VII, 1, 9–10). He raised a revolt against Maximinus. The rest of our information about him (*SHA*, *Max. Duo* 11, 2–4; *Trig. Tyr.* 32, 1–5; and the supposed pedigree of his wife, see *PIR*², C 327) is probably spurious. His *nomen* was perhaps TITIVS; see Stein, quoted by Barbieri, *Albo*, 226. *PIR*¹, Q 9.
- 283 P. QVINCTILIVS VARUS. *Amicus* of Augustus. For his coin-portrait, see Grant, *From 'Imperium' to 'Auctoritas'*, 228. *Cos.* in 13 B.C.; proconsul of Asia, governor of Syria; as *legatus* on the Rhine in 9 he suffered the 'clades Variana'. Perhaps a relative by marriage of the imperial family. *PIR*¹, Q 27.
- 283a SEX. QVINTILIVS CONDIANUS and his brother, SEX. QVINTILIVS VALERIUS MAXIMUS. *Amici* and *comites* of Pius and Marcus (Philost. *VS* II, 9, 3). *Coss. ordd.* together in 151; governed Achaëa together; executed together by Commodus in 182 (Dio LXXII, 5, 3–4, and on their *concordia* see also Amm. Marc. XXVIII, 4, 21 and cf. the Domitii (135a)). *PIR*¹, Q 19, 24.
- 284† QUINTILIUS MARCELL[I]US. Member of Alexander's *consilium* (*SHA*, *Alex.* 68, 1). Spurious? *PIR*¹, Q 21.
- 285† RVBRIVS GALLUS. A member of Domitian's *rhombus* council (Juv. IV). A notable Flavian soldier, he had been on every side in turn during the Civil War, but ended as mouthpiece of Flavius Sabinus (151). *PIR*¹, R 94; *RE*, Rubrius 20 (Nagl).
- 286 RUFRIUS POLLIO. *Praef. praet.* of Claudius; in 44 he received a statue, possibly as one of C.'s *comites* in Britain (Dio LX, 23, 2). Fell foul of C. later (Sen. *Apoc.* 13). *PIR*¹, R 123; *RE*, Rufrius 3 (Stein).
- 287 Q. IULIUS CORDINUS C. RVTILIVS GALLICUS. *Amicus* of Domitian. Served under Corbulo; reorganized the African finances under Vespasian; supervised the German operations which led to the capture of Velela. *Praef. urbi* of Domitian, 'proxima cervix' (Stat. *Silv.* 1, 4, *passim*; cf. Juv. XIII, 157–8). *PIR*¹, R 167; *RE*, Rutilius 19 (Groag) (but the dates of his consulships are not known, see Degraffi, *Fasti Consolari*, 26).

- 287^a RVTILIVS PUDENS CRISPINUS. *Amicus* of Alexander and perhaps of Gordian III. Governor of Thrace, Syria Phoenice, Achaëa, probably one of the *xx viri* of 238. *RE*, Rutilius 32 (Nagl); Barbieri, *Albo*, 227–8.
- 288† T. RVTILIVS VARUS. *Comes* of Titus (*CIL* x, 1258). *PIR*¹, R 181; *RE*, Rutilius 36 (Nagl).
- 289 SABINVS. *Amicus* of Maximinus. He was his *praef. urbi*. *PIR*¹, S 21; *RE*, Sabinus 10 (Nagl).
- 290† C. SALLUSTIUS CRISPUS. *Amicus* of Augustus (*Sen. de Clem.* 1, 10, 1). He was Maecenas' successor as A.'s confidential secretary (*Tac. Ann.* 1, 6, 6; III, 30). The adoptive son of Sallust. *PIR*¹, S 61; *RE*, Sallustius 11 (Stein).
- 291† Q. SALVIDIENVS RUFUS SALVIUS. *Amicus* of Octavian (*Suet. Div. Aug.* 66, 1). He was one of O.'s chief helpers in founding the new regime, but fell foul of him after 40 B.C. *RE*, Salvidienus 4 (Münzer).
- 292† L. OCTAVIUS CORNELIUS P. SALVIVS IULIANUS AEMILIANUS. *Amicus* of Hadrian, Pius (*SHA, Pius* 12, 1, reading, with Hüttl, *Ant. Pius*, 1, 79 n. 23, 'Salvio (Iuliano)'), Marcus (*Front. ad M. Caes.* 59–60 (N); in Marcus' young days, 140–3, according to Haines). The great jurist and administrator (*ILS* 8973), who codified the Edict for Hadrian, and was a regular member of his *consilium* (*SHA, Had.* 18, 1). *PIR*¹, S 102; *RE*, Salvius 14 (Pfaff).
- 293† L. SALVIVS OTHO. *Amicus* of Tiberius, Claudius (*Suet. Otho* 1, 2). A distinguished administrator; *cos. suff.* in 33; Claudius adlected him *inter patricios*. Father of the following. *PIR*¹, S 107; *RE*, Salvius 17 (Nagl).
- 294† M. SALVIVS OTHO (the future emperor). *Amicus* of Nero, Galba (*Suet. Otho* 2, 2; 4, 2; 6, 2; *Tac. Ann.* XIII, 46; *Plut. Galb.* 20, 7). *PIR*¹, S 109; *RE*, Salvius 21 (Nagl).
- 295† SEIVS FUSCIANUS. *Amicus* of Marcus, Commodus (*SHA, Marcus* 3, 8). *Cos. II ord.* in 188 with Servilius Silanus (302a); *praef. urbi* between Victorinus and Pertinax. His end is not known. *PIR*¹, S 243; *RE*, Seius 9 (Groag).

- 296 L. SEIUS STRABO. *Amicus* of Augustus, Tiberius. He was *praef. praet.* of both, and had three consular sons, of whom one was Seianus. *PIR*¹, S 246; *RE*, Seius 15 (Stein).
- 297† L. SEIVS TUBERO. *Amicus* of Tiberius (*Tac. Ann.* IV, 29). Son of above, brother of Seianus (*Vell.* II, 127, 3). *Cos. suff.* in 18 with Germanicus. *PIR*¹, S 248; *RE*, Seius 17 (Fluss).
- 298 C. SENTIVS SATURNINUS. *Amicus* of Augustus. One of the most distinguished Augustan soldiers; *cos. ord.* in 19 B.C.; pro-consul of Africa; governor of Syria; Tiberius' right-hand man in Pannonia, 4-6. His sons, the following, were both consuls in 4. For his character, see *Vell.* II, 105, 2. *PIR*¹, S 293; *RE*, Sentius 9 (Groag).
- 299† C. SENTIVS SATURNINUS. *Amicus* of Augustus, Tiberius (*Jos. AJ* XVIII, 83). *Cos. ord.* in 4, a promoter of the Lex Aelia Sentia. (His brother, Gnaeus, was a friend of Germanicus, a bitter opponent of Piso, and father of the following.) *PIR*¹, S 294; *RE*, Sentius 10 and (for Gnaeus) 11 (Groag).
- 300† CN. SENTIVS SATURNINUS. *Amicus* of Gaius, Claudius, and Vespasian before his principate (*Eutrop.* VII, 13, 2 (Groag takes this to mean that he was Claudius' *comes* in Britain); *Tac. Hist.* IV, 7). *Cos. ord.* in 41 with Gaius. The son of Gnaeus above. *PIR*¹, S 296; *RE*, Sentius 12 (Groag).
- 301† C. SENTIVS SEVERUS QUADRATUS. *Amicus* and *comes* of an emperor (*CIL* V, 5811; second or third century). *PIR*¹, S 298; *RE*, Sentius 14 (Groag).
- 302 C. SEPTICIUS CLARUS. *Amicus* of Hadrian (*SHA, Had.* 15, 2). *Praef. praet.* with Turbo (223) in 119. A friend of Pliny; Suetonius wrote the 'Lives' for him and was dismissed with him. *PIR*¹, S 302; *RE*, Septicius 4 (Stein).
- 302a M. SERVILIUS SILANUS. *Amicus* of Marcus, Commodus. *Cos. I suff.* in 152; II *ord.* in 188 with Fuscianus II (295). Killed by Commodus. *PIR*¹, S 428; Degrassi, *Fasti Consolari*, 43.
- 303† T. SEXTIVS LATERANUS. *Amicus* of Septimius (*Ep. de Caes.* 20, 6). *Cos. ord.* in 197, he organized Septimius' Parthian war. Probably related to the following; Groag even thinks it possible he may be son. *PIR*¹, S 469; *RE*, Sextius 27 (Groag).

- 304 T. SEXTIVS...VESTINUS. *Amicus* of Verus (or Commodus?) (*CIL* VI, 1518). *PIR*¹, S 471; *RE*, *consistorium*, 928 (Seeck); Sextius 41 (Groag). See above, p. 72.
- 305† T1. CATIVS ASCONIUS SILIVS ITALICUS. *Amicus* of Vitellius and the Flavians (Pliny, *Ep.* III, 7, 3; Tac. *Hist.* III, 65). *Cos. ord.* in 68; he took part in the conversations between Vitellius and Flavius Sabinus; proconsul of Asia. The poet. *PIR*¹, C 474; *RE*, Silius 17 (Klotz); Calder in *CR* XLIX (1935), 216f.
- 306 P. SILIVS NERVA. *Amicus* of Augustus (Suet. *Div. Aug.* 71, 2). *Cos. ord.* in 20 B.C.; he did much of the Augustan campaigning in Spain and the Alps, and raised his family to high influence. *PIR*¹, S 512; *RE*, Silius 21 (Nagl).
- 307 D. SIMONIVS PROCULUS IULIANUS. *Praef. urbi* of Philip. *PIR*¹, S 529; *RE*, Simonius (Miltner).
- 308† SOSIVS PAPUS. *Amicus* of Hadrian (SHA, *Had.* 4, 2; but read 'Sosius, Papus', the former being Senecio, the latter unknown, perhaps M. Aemilius Papus, *RE*, Aemilius 107, von Rohden). *PIR*¹, S 559; *RE*, Sosius 7 (Groag).
- 309† Q. SOSSIVS (SOSIVS?) SENECIO. *Amicus* of Trajan and Hadrian (Dio LXIII, 16; SHA, *Had.* 4, 2—see (308) above). *Cos. I ord.* in 99 with Palma (120); took a prominent part in the Dacian wars; *cos. II ord.* in 107 with Sura III (209). A friend of Plutarch, he married the daughter of Sex. Iulius Frontinus. *PIR*¹, S 560; *RE*, Sosius 11 (Groag), esp. 1186–7.
- 310 T. STATILIVS TAURUS. *Amicus* of Augustus. *Cos. I* in 37 B.C. with Agrippa; *cos. II* in 26 B.C. with Aug. VIII. *Triumphalis, imp.* III. The greatest general after Agrippa, left in charge of Rome in 16 B.C. He amassed great wealth, and his descendants were very powerful and influential. *PIR*¹, S 615 (with stemma); *RE*, Statilius 34 (Nagl).
- 311† C. SVETONIVS PAULLINUS. *Amicus* of Otho (Plut. *Otho* 7; Tac. *Hist.* II, 60). A distinguished soldier, who defeated the guerillas of Mauretania in 41; was governor of Britain in 61 and crushed the Boudiccan rebellion. *Cos. (?II) ord.* in 66. His career after 69 is unknown. *PIR*¹, S 694; *RE*, Suetonius 3 (Miltner).

- 311a C. SÜTONIUS TRANQUILLUS. (?) *Amicus* of Trajan ('[adlecto] int[er] (?)comites] a divo Traiano', see *AE* 1953 no. 73 and E. Marec and H.-G. Pflaum in *Comptes Rendus de l'Ac. des inscr. et belles-lettres*, 1952, 76-85, who hazard this restoration but reject it; the whole text is very fragmentary), Hadrian (Suet. *Div. Aug.* 7, 1). The biographer; friend and protégé of Pliny, *a studiis, a bibliothecis, ab epistulis* of Hadrian, dismissed with Septicius Clarus (302). *PIR*¹, S 695; *RE*, Suetonius 3 (Funaioli).
- 312† C. OCTAVIUS APPIUS SUETRIVS SABINUS. *Amicus* and *comes* of Caracalla (Dio LXXVIII, 13, 2; *ILS* 1159). *Cos. ord.* in 214; a distinguished administrator. *PIR*¹, O 19.
- 313† P. SVILLIVS RUFUS. *Amicus* of Claudius (Tac. *Ann.* IV, 31, 6). A dreaded *delator*; proconsul of Asia under C.; but under Nero he made the error of attacking Seneca at the height of his power. *PIR*¹, S 700; *RE*, Suillius 4 (Fluss).
- 314† SER. SVLPICIVS GALBA (the future emperor). *Amicus* of Claudius (Suet. *Galb.* 7). *Cos. ord.* in 33, with a long administrative career afterwards. *PIR*¹, S 723; *RE*, Sulpicius 63 (Fluss).
- 315 SER. SÜLPICIUS SIMILIS. *Amicus* of Trajan, Hadrian. *Praef. Aeg.* 107-12, *praef. praet.* in 117. After helping H. to the throne he retired. *PIR*¹, S 735; *RE*, Sulpicius 104 (Stein).
- 315a L. TAMPIVS FLAVIANUS. *Amicus* of Vitellius, Vespasian. A soldier of distinction, *cos. II anno incerto, curator aquarum* 73-4. *PIR*¹, T 5.
- 316 L. TARIVS RUFUS. *Amicus* of Augustus, Tiberius. A distinguished military figure from the days of Actium, 'infima natalium humilitate', he was enriched by A., who took part in a *domesticum consilium* over his son. *Cos. suff.* in 16 B.C., *curator aquarum* 23/4, as a very old man. *PIR*¹, T 14; *RE*, Tarius 3 (Groag).
- 317 M. TARQVITIVS PRISCUS. A member of Claudius' *consilium* ('Acts of Isidore', *BGU* 511, col. 1). A protégé of Agrippina; proconsul of Bithynia in 61; condemned for extortion (Tac. *Ann.* XII, 59; XIV, 46). *PIR*¹, T 20; *RE*, Tarquinius 9 (Fluss).
- 318 TARRVTENIVS PATERNUS. *Amicus* of Marcus. As *praef. praet.* he took part in the *consilium* (SHA, *Marcus* 11, 10). He

was only a senator for a very short time, being adlected by Commodus to remove him from the prefecture (SHA, *Comm.* 4, 6-7). A noted jurist. *PIR*¹, T 24; *RE*, Tarruntenus (*sic*) Paternus (Berger).

- 319* D. TERENCE GENTIANUS. *Comes* of Trajan, Hadrian (*ILS* 1046a; Bang has confused him with the following). *Cos. suff.* in 116 (*AE* 1936, no. 97); governor of Macedonia in 118. Perhaps regarded, like Platorius Nepos, as a possible successor (SHA, *Had.* 23, 4-6). *PIR*¹, T 56; *RE*, Terentius 48 (Groag).
- 320† D. TERENCE SCAURIANUS. (Bang quotes *ILS* 1046a; but see (319) above, who was this man's son.) Probably the first governor of Dacia, at least from 106 to 110. *PIR*¹, T 68; *RE*, Terentius 68 (Groag); Syme in *JRS* xxxvi (1946), 159-60.
- 321* THEON. *Amicus* of Claudius, destroyed by the machinations of Isidore ('Acts of Isidore', *P. Lond.* 2785; *BGU* 511, col. 2). He was an ἐξηγητής, presumably the Alexandrian literary critic. *RE*, Theon 9 (Wendel).
- 322 TIGIDIUS PERENNIS. *Amicus* of Commodus. *Praef. praet.* (perhaps already under Marcus); C.'s notorious favourite in his early years as emperor. *PIR*¹, T 146; *RE*, Tigidius Perennis (Stein); A. Passerini, *Le Coorti Pretorie*, 305-6.
- 322a* TIMAGENES. *Amicus* of Augustus (Sen. *Controv.* x, 5 (34), 22; Plut. *Quomodo adulator*... 68 B). Historian of the Hellenistic kings, who also wrote an account of A.'s *res gestae*, which he destroyed when A. renounced his friendship. *PIR*¹, T 156; *RE*, Timagenes 2 (Laqueur).
- 323 TITIUS ARISTO. A member of Trajan's *consilium* (*Dig.* 37, 12, 5). A celebrated jurist of his age, and friend of Pliny (*Ep.* 1, 22 *passim*). *PIR*¹, T 197.
- 324 C. TREBATIUS TESTA. *Amicus* of Augustus. Friend of Cicero and Julius Caesar, teacher of Labeo. A jurist of importance, he was consulted by A. over the question of *fideicommissa* (*Inst.* 2, 25). *PIR*¹, T 228; *RE*, Trebatius 7 (Sonnet).
- 325† C. TURRANIUS. *Amicus* of Augustus, Tiberius, Gaius, Claudius (Tac. *Ann.* xi, 31, 1). *Praef. Aeg.* 7-4 B.C., *praef. ann.* (apparently)

- 14-48. The Grand Old Man of his day (though it may be doubted whether the 'Styrannius' of Sen. *de Brev. Vit.* 20, 3 is to be identified with him). *PIR*¹, T 297; *RE*, Turranius 5 (Stein).
- 326 VALERIANUS. He dined with Pertinax 'cum sine amicis cenaret' (SHA, *Pert.* 12, 7), which may perhaps mean that he was a specially intimate friend. A literary man. *PIR*¹, V 14; *RE*, Valerianus 3 (Hanslik).
- 327† D. (?) VALERIVS ASIATICUS. *Amicus* of Gaius, *comes* of Claudius in Britain (Sen. *de Const. Sap.* 18, 2; Tac. *Ann.* XI, 3, 1). Perhaps he hoped to secure the purple after Gaius' murder. *Cos.* II *ord.* in 46. He succumbed to Suillius in the end (Tac. *Ann.* XIII, 43). *PIR*¹, V 25; *RE*, Valerius 106 (Weynand).
- 327a M. LOLLIUS PAULLINUS D. VALERIVS ASIATICUS SATURNINUS. *Amicus* of Trajan, Hadrian. *Cos.* I *suff.* in 94 (not 93, see *Inscr. It.* XIII, 222), II *ord.* in 125, *praef. urbi.* Probably grandson of (327) above. *PIR*¹, L 233; *RE*, Valerius 108 (Weynand).
- 328† L. VALERIVS CATULLUS MESSALLINUS. A member of Domitian's *rhombus* council (Juv. IV). *Cos.* I *ord.* with Domitian II in 73; *cos.* II *ord.* with Domitian XI in 85 (probably; see *Inscr. It.* XIII, 221). The notorious blind *delator*. *PIR*¹, V 41; *RE*, Valerius 127 (Hanslik).
- 328a ...[V]ALERIVS CLAUD...ACILIUS PRISCILIANUS. '[Comes Augg.] nn.' (*ILS* 8979). One of the *xx viri* of 238. Barbieri, *Albo*, 230-1, no. 1173; *RE*, Valerius 131 (Hanslik).
- 329 P. (M.?) VALERIVS COMAZON (EUTYCHIANUS). *Amicus* of Elagabalus, made possible E.'s elevation to the purple. *Praef. praet., cos.* (II) in 220 with Elagabalus III; *praef. urbi.* *PIR*¹, V 42; *RE*, Valerius 134 (Hanslik).
- 330* VALERIUS EUDAEMON. *Amicus* of Hadrian, Pius (SHA, *Had.* 15, 3). He held a long series of procuratorships, fell foul of H. and was reduced to penury; but under Pius he became *praef. Aeg.* in 142. *PIR*¹, E 79; *RE*, Valerius 149 (Hanslik).
- 331† M. VALERIVS HOMULLUS. *Amicus* of Pius (SHA, *Pius* 11, 8, *Marcus* 6, 9). *Cos. ord.* in 152. *PIR*¹, V 61 (but see (194) above).
- 332 Q. VALERIUS POSTIMIUS ROMULUS. *Consiliarius* of Septimius (*ILS* 1423). *PIR*¹, V 112.

- 333 VALERIUS VALENS. *Praef. vigilum* of Gordian III. *PIR*¹, V 147.
- 334† L. VARIUS RUFUS. *Amicus* of Augustus (Quint. *Inst.* vi, 3, 78; Hor. *Ep.* ii, 1, 247). This was the poet who introduced Virgil to Maecenas. *PIR*¹, V 194.
- 335† P. VEDIUS POLLIO. *Amicus* of Augustus (Pliny, *NH* ix, 77). For his coin-portrait see Grant, *From 'Imperium' to 'Auctoritas'*, 82-3, who thinks he was *procurator et praeses* of Asia (*CIL* iii, 7124). *PIR*¹, V 213.
- 336† VELIVS PAULLUS. *Comes* of Domitian in the Sarmatian war (Mart. ix, 31). *PIR*¹, V 227.
- 337† L. VERGINIVS RUFUS. *Amicus* of Nerva (Pliny, *Ep.* ii, 1, 3). *Cos.* i in 63; *cos.* ii in 69; *cos.* iii *ord.* with Nerva iii in 97. He crushed the rebellion of Vindex in 68, and twice refused to take arms for the purple, doubtless because more and safer influence could be wielded behind the scenes. Tutor and friend of Pliny. *PIR*¹, V 284.
- 338† VESULARIUS FLACCUS. *Amicus* of Tiberius (Tac. *Ann.* ii, 28, 1). He was *comes* of Tiberius at Rhodes and then at Capri, and like Iulius Marinus was finally executed for his friendship with Seianus (ib. vi, 10, 2). *PIR*¹, V 294.
- 339 T. VESTRICIVS SPURINNA. *Amicus* of Nerva, Trajan. An Othonian partisan in 69 and a distinguished soldier, he was one of Nerva's governmental circle. *Cos.* ii *suff.* in 98 with Trajan; perhaps *cos.* iii *suff.* in 100 (but see Stein, *RE*, Suppl.-Bd. vii, 1623-4, and (190) above). He received a triumphal statue. Poet and friend of Pliny. *PIR*¹, V 308.
- 340† Q. VIBIVS CRISPUS. *Amicus* of Nero, Vitellius and the Flavians (Dio lxxv, 2, 3; Tac. *Dial.* 8). A member of the *rhombus* council (Juv. iv). *Curator aquarum* in 68; proconsul of Africa after 71; legate of Hither Spain (*AE* 1939, no. 60). The dates of his three consulships are unknown. *PIR*¹, V 379.
- 341† VIBIVS VISCUS. *Amicus* of Augustus (Schol. ad Hor. *Sat.* i, 10, 83); he chose to remain an *eques*. *PIR*¹, V 407.
- 342 VIBIVS ZENO. Perhaps a member of Marcus' *consilium* (*Dig.* 28, 4, 3).

- 343 M. VINDIVS VERUS. A member of Pius' *consilium* (SHA, *Pius* 12, 1). *Cos. suff.* in 138; a friend of Maecianus. *PIR*¹, V 441.
- 344 M. VINICIUS. *Amicus* of Augustus (Suet. *Div. Aug.* 71, 2). *Cos.* in 19 B.C. One of the great Augustan generals, on the Rhine and in Pannonia. Grandfather of the following. *PIR*¹, V 444; Syme in *CQ* XXVII (1933), 142-8.
- 345 M. VINICIUS. *Amicus* of Claudius, possibly his *comes* in Britain. *Cos. I ord.* in 30 with Cassius Longinus; *cos. II* in 45. Married Julia, daughter of Germanicus. After Gaius' death he hankered after the purple. Executed in 47. *PIR*¹, V 445; Syme in *CQ* XXVII (1933), 143.
- 346† T. VINIVS (RUFINUS). *Amicus* of Claudius, Nero, Galba. *Cos.* in 69 with Galba; he took part in the 'comitia imperii' to decide on a colleague for G. (Tac. *Hist.* I, 14; 48). *PIR*¹, V 450.
- 347† M. VIPSANIVS AGRIPPA. *Amicus* of Augustus (Suet. *Div. Aug.* 66, 3). The greatest Augustan marshal and admiral; he married Julia. *Cos. I* in 37 B.C.; *cos. II* in 28 B.C.; *cos. III* in 27 B.C. Colleague in the *imperium* and *trib. pot.*, and destined successor. Died in 13 B.C. *PIR*¹, V 457.
- 348† VIRIVS LUPUS. Perhaps *comes* of Alexander (*CIL* VIII, 23800). He may be the consul of 232, perhaps L. Virius Lupus Iulianus. *PIR*¹, V 481.
- 349† SEX. VISTILIVS. *Amicus* of Tiberius (Tac. *Ann.* VI, 9, 2-4), forced to commit suicide. *PIR*¹, V 489.
- 350* VITALIANUS. *Amicus* of Maximinus (Herodian VII, 6, 4; SHA, *Gord.* 10, 5). *Praef. praet.* *PIR*¹, V 492.
- 351† A. VITELLIVS (the future emperor). *Amicus* of Gaius, Claudius, Nero (Suet. *Vit.* 4). *Cos. ord.* in 48; proconsul of Africa. *PIR*¹, V 499.
- 352† L. VITELLIVS. *Amicus* of Gaius, Claudius (Dio LIX, 27, 6; Tac. *Ann.* VI, 32, 5-7; XI, 33). *Cos. I* in 34; governor of Syria 35-7 (a celebrated governorship); *cos. II* in 43, he stayed in charge of Rome when C. went to Britain; *cos. III* in 47, and *ensor* with C. 'Pietatis immobilis erga principem' (Suet. *Vit.* 3, 1). Father of the above and of the following. *PIR*¹, V 500.
- 353† L. VITELLIVS. *Amicus* of Claudius, Nero, Otho (Tac. *Hist.* I, 88). Brother of (351) above. *PIR*¹, V 501.

- 354 ULPIUS MARCELLUS. A member of the *consilia* of Pius and Marcus (SHA, *Pius* 12, 1; *Dig.* 28, 4, 3). *PIR*¹, V 556.
- 355 VMMIDIUS QUADRATUS. *Amicus* of Pius, who married a sister of Marcus. Probably son of the following. *PIR*¹, V 601 (but the British Museum inscription refers to Claudius Severus (98); see above, p. 75 n. 5).
- 356† C. VMMIDIUS QUADRATUS. *Amicus* of Hadrian (SHA, *Had.* 15, 7). *Cos.* in 118 with H., but fell foul of him later. A friend of Pliny. *PIR*¹, V 603.
- 357† C. LICINIUS MARINUS VOCONIVS ROMANUS. *Amicus* of Hadrian (Apul. *Apol.* xi). This is probably the friend to whom Pliny wrote a number of letters. Adlected to the senate by Trajan. *PIR*¹, L 144; V 608.
- 358† L. VOLVSIVS MAECIANUS. Member of the *consilia* of Pius and Marcus (SHA, *Pius* 12, 1; *Dig.* 37, 14, 17). He was Marcus' teacher, and held a long series of equestrian posts, ending as *praef. Aeg.* in 160, followed by a senatorial career up to *cos. des.*, unless the senator is son of the *eques*. An important second-century jurist. *PIR*¹, V 657; Hüttl, *Ant. Pius*, II, 11-12; Barbieri, *Albo*, 191; A. Stein, *Die Präfecten von Ägypten*, 88-90.
- 359 L. VOLVSIVS SATURNINUS. *Amicus* of Augustus, Tiberius. *Cos.* in 12 B.C.; governor of Syria 4-5. He was related distantly to T.; for his coin-portrait, see Grant, *From 'Imperium' to 'Auctoritas'*, 228, 230. Died in 20, having amassed a huge fortune (Tac. *Ann.* III, 30). Father of the following. *PIR*¹, V 660.
- 360* L. VOLVSIVS SATURNINUS. *Amicus* of Augustus, Tiberius, Claudius (Tac. *Ann.* XIII, 30: 'inoffensa ei tot imperatorum amicitia fuit'—so Lipsius, Fisher, Köstermann, Fuchs; not Halm nor Furneaux, who keep MS. 'malitia'). *Cos. suff.* in 3. He died in 56, aged ninety-three, as *praef. urbi*, a position he had probably held through most of Claudius' principate. *PIR*¹, V 661.

GENERAL INDEX

- A cognitionibus*, 100
A consiliis, see *Consilium*
A libellis, duties of, 47
A memoria, 141
A rationibus, 118, 122
Ab admissione, task of, 23
Ab epistulis, 138; duties of, 47
 Achaea and Macedonia, petition of, 37 n. 8, 117-18
Acta Ludorum Saecularium, 109
 Acte, 47
Actio Serviana, 57
Actiones utiles, 64
 Acts of the Pagan Martyrs, 1, 44, 52, 54, 60-1, 77-8, 84, 133-4, 143-4, 146;
 Acts of Isidore and Lampon, 43-4, 107, 111; Acts of Hermaiscus, 54 and n. 1, 143; Acts of Antoninus, 60, 143-4; Acts of Appian, 77-8, 106
Admissio, 108; and see *prima admissio*, *secunda admissio* and *salutatio*
Adoratio, 97
Adsesores, 6 n. 4, 105
Adsumpti in consilium, 74, 104
Advocatus fisci, 80, 141
Aerarium, 118; control of, 9 n. 2; decisions on, 17
milite, discussion on, 14, 130
Agentes in rebus, 141
 Agricola, appointment to Britain, 116 n. 6
 Agrippa, speech in Dio, 126
 Agrippina, Empress, 41, 107; influence of, 45
 Alban palace, meetings at, 49, 50, 106 n. 5;
 'Albana arx', 108
 Albinus, *amici* of, 79 and n. 4
Album iudicum, 5
 Alexander, see Severus Alexander
 Alexander Πηλοπλάτων, 145
Amici principis, 10, 103; continuity of, 3, 22, 29, 51, 55, 65, 76-7, 84, 115; title of, 23 and n. 10, 24; coins with heads of, 24, 34; regular consultation of, 26; hard work of, 26; procedure for consulting, 27-8; other activities of, 29; and Seianus, 38; freedmen excluded, 42; talents of, 55; commendation of successor to, 67, 69, 76, 84; attempt to reconcile Caracalla and Geta, 82; influence under Severans, 85; grades of, 89; follow the emperor, 106; dependence of emperors on, 115; influence on military appointments, 116; nucleus of government, 123
Caesaris, 37
militares, 89, 97 and n. 4, 114
Amicitia, 36; definition of, 22 n. 3; Hellenistic background, 21-2; Republican background, 22
 Ammianus Marcellinus, on Julian's *civilitas*, 109
 Anauni, 124
 Anicetus, 38, 47
 Antoninus Pius, Emperor, legislation of, 64, 67; *amici* of, 66-9; judicial activities of, 67, 69; repartee of, 145; *patientia* of, 147; and slaves, 125; on the law, 123; prefers *mitior sententia*, 124
 Antony, conclaves of, 6-7; *amici* of, 33 n. 4
 Apelles, 40
 Apollo, temple of, 32, 107, 110
 Apollonius of Tyana, trial of, 47, 107, 144; as adviser of Vespasian, 28
 Appeals, 70, 80
 Appianus, 78
 Archelaus of Judaea, 32; of Cappadocia, 117
 Armenia, embassy from, 45, 116; emergency in, 46; policy of Augustus and Tiberius towards, 117
 Armillatus, 51
 Army units, staff of, 135-6
 Asclepiodorus, 98
 Attalus II, 21
 Attalus III Philometor, 22, 29
Auctoritas, 103, 109-10, 145; *senatus auctoritas*, 13; M. Grant on, 17; representatives of, 24; Magdelain and von Premerstein on, 58 n. 5; Augustus avoids endangering, 131
Auditorium, 106, 108 n. 6, 109; *auditorium maius*, 6 n. 4, 108
 Augustan History, 89, 98, 114; nature of, 86 n. 2; themes of, 90
 Augustus, Emperor, 2, 7; innovation of, 4; ideal senate of, 9; avoidance of squabbles by, 10, 129-32; arrange-

Augustus (*cont.*)

- ments for senate meetings, 13; and *aerarium militare*, 14; renewal of *imperium* of, 15; decline of, 15-17, 33; *laudatio* of, by Tiberius, 17-18, 130; *amici* of, 33-5; capital sentences of, 106; public *cognitiones* of, 107; method of calling for *sententiae*, 110; and *humanitas*, 124-5; effect on army law, 139; touchiness of, 146
- Augustus, senior, under the tetrarchy, 101
- Aurelian, Emperor, 89, 95; councils, policy, murder of, 95
- Aurelius, *see* Marcus Aurelius
- Avidius Cassius, revolt of, 70
- Baynes, N. H., view of Augustan History, 86, 90
- Bonum et aequum*, 111, 123, 124
- Britain, 67; policy of Augustus and Tiberius towards, 117; Claudius in, 41, 118; Nero's plan to abandon, 46 and n. 5, 65 n. 1; under Flavians, 116, 122; Antonine Wall in, 168; exploitation of, 118-20
- Brundisium, pact of, 34
- Bureaucracy, 103
- C. Caesar, 32, 35, 110
- Caesar, *see* Julius
- Caligula, *see* Gaius, Emperor
- Callistus, 42
- Canuleian laws, 6 n. 6
- Cappadocia, 117
- Capreae, 34, 38, 39
- Caracalla, Emperor, 117; behaviour of to *amici*, 28, 109; quarrel with Geta, 81-2; plan to divide the Empire, 81-2, 116; character of, 82; and the Dmeir text, 83; *amici* of, 84-5; blackened by Dio, 127 n. 3; repartee of, 145 and n. 4
- Carpino, J., on the Dmeir inscription, 142
- Carnuntum, congress of, 101
- Case law, 124 n. 8
- Cassius Dio, 115-16; importance of, 91; on government, 126-8; on education, 127-8
- Centenarii*, 73, 94
- Centumcellae, 108
- Christians, Nero and, 121
- Cicero, view of jury as *consilium*, 5 n. 7; view of senate as *consilium publicum*, 6; view of Antony's conclave, 7; law in the time of, 123
- Cicogna, G., view of *consiliarii*, 100
- L. Cinna, conspiracy of, 31, 38
- Civil service, *see* *Scrinia*
- Classicianus, 120
- Claudius I, Emperor, and *salutationes*, 23; restores *consilium*, 38; and jurisdiction, 38, 42, 107, 109, 112; statesmanship of, 40; and Gauls, 40; and Messallina, 41; in Britain, 41, 118; and freedmen, 42, 116, 119; opposition of *amici* to, 42; and Isidore, 43-4; Seneca's view of, 44; *amici* of, 44-5; *comites* of, 44 n. 5; experience of, 45; policy of, 56, 118; physical failings of, 107; character of, 109; unorthodoxy of, 110-11; modifies penalties, 124; and Anauni, 124; and sick slaves, 125; *patientia* of, 146
- Claudius II (Gothicus), Emperor, 94
- Cledonius, 99
- Clientela*, 22
- Codex Gregorianus, 64
- Codicilli*, Augustus and, 31-2; case concerning, under Trajan, 53
- Cognitio*, 100, 110 n. 1, 142; republican, 5; *extraordinaria*, 42, 108, 109 and n. 6; public, 106-9; supersedes *quaestio*, 57; stages of, 109; of Augustus, 107; Nero, 47; Vespasian, 48, 107; Domitian, 49, 107; Trajan, 54; Hadrian, 60; Marcus, 70; Caracalla, 82-4 (and *see* *Consilium* and *Magister sacrarum cog.*)
- Cohors amicorum*, 25, 37 n. 3
- Cohors primae admissionis*, 23
- Comitatus*, 73 n. 1
- Comites*, 63; of promagistrates, 5; relation to *amici*, 24-5; Greek word for, 25; *equites* as, 25; choice of, 35; Seeck's view of, 74, 96; epigraphical evidence for, 24 n. 7, 85, 96; not abandoned in third century, 96; human and divine, 96; *consistoriani*, 102; *sacrarum largitionum* and *rerum privatarum*, 102, 139
- Commagene, 117
- Commentarii*, 84
- Committee of Twenty in 238, 93; senatorial, *see* *consilium*
- Committees, division of *consilium* into, 93 n. 5, 113-14; and *see* Law committee
- Commodus, 22 n. 2; accession of, 76; Acts of Pagan Martyrs under, 77; and senatorial *consilium*, 78; prevented from burning Rome, 78

Consilarii, 56, 60, 62, 73-4, 80, 94, 97-8, 99-100, 140; grades of, 74; absent from Dmeir text, 83; from Maecenas speech, 88; Greek for, 106; and law committee, 113

Consilium

- (1) *c. publicum*, senate as, 2, 5, 6; Volcacius Tullus calls, 6
 - (2) of special *cognitio*, 5; jury of *quaestio* as, 5; in criminal proceedings, 5-6; *c. curiosum*, 6; of civil magistrate and *iudex*, 6 and n. 4; of magistrates under Empire, 6 n. 4, 94 n. 1; of *praef. praet.*, 70, 80
 - (3) *de consilii sententia*, 5, 13; *cum consilio collocutus*, 94, 105
 - (4) *consilia semenstria* (senatorial committee), 87; date of establishment, 11; reorganization of, 14-15; name of, 104; value of to Augustus, 132
 - (5) *c. principis*, extraordinary meetings of, 29; abuse of, 29, 39; judicial, 31, 53 (and see *cognitio*); lack of fixed membership, 55; continuity of, 55, 67, 69, 115, 117, 122-3; size of, 59 and n. 3; chairman of, 62-3; as 'the council', 66, 73, 104; of seventy, 89-90; military, 89 n. 1; still so called under Diocletian, 97; under tetrarchy, 100-1; not bureaucratic, 103; name of, 104-6; place of meeting of, 106-9; procedure of, 109-14; scope of, 116; influence on law, 123-5; conservatism of, 124-5, 128; and *consistorium*, 139-41
 - (6) *a consiliis*, 99-101; *vicarius a consiliis*, 98
- Consistorium*, 2, 61-2, 96-8, 101-2, 104, 109, 139-41; bureaucratic, 103
- Constantine, Emperor, 56, 99, 102; alleged reintroduction of *comites* by, 96; revolutionary, 102 and n. 3; acceptance of historical situation, 103
- Constantius, 97; *consilium* under, 103
- Constitutio Antoniniana*, 127
- Constitutions, imperial, effect on Edict, 57 n. 4
- Consulars, 19 n. 1, 43; execution of the four, 54, 62-3
- Consuls, proposals by, 10-11; *coess.* II as *amici principis*, 25 n. 10, 68, 75
- Consulships, six-monthly, 8, 9
- Corbulo, appointment of, 116

Cuq, É., on importance of *consilium*, 1-2; on function of *consilium*, 10; on separation of functions, 30 n. 1; on Gaius' *consilium*, 39; on freedmen, 42 n. 3; on Hadrian's reorganization, 56; on law schools, 58; on professionalism, 59; on choice of *iuris consulti* by senate, 60; on Saturninus text, 72; on *consilarii*, 74; on Diocletian's reorganization, 96-9; on *consilium* under tetrarchy, 100

Curatores, 33

Curio minor, 23 n. 9

Dacia, attempted abandonment by Hadrian, 65, 116; second Dacian war, 51

Decebalus, 65

Decius, Emperor, 94; persecution of Christians by, 94 and n. 2

Dessau, H., on the Augustan History, 86 n. 2; on the senatorial committee, 14

Didius Julianus, *amici* of, 79 and n. 4

Digest, 64, 71, 79

Dilettanti, 25, 38, 40

Dio, see Cassius Dio

Diocletian, Emperor, 2, 56, 126, 128; council of, 96; persecutions under, 97, 116; partition under, 101; conservatism of, 102 and n. 2

Dionysius, bishop of Alexandria, 94

Divinatio, 6

Dmeir, inscription from, 1, 24 n. 5, 82-4, 108 n. 6, 111 n. 2, 113, 134, 137, 140, 142-3, 145

Domesticum consilium, 4, 41

Dominus, 4

Domitian, 103; 'funeral banquet' of, 29; terror under, 48; judicial sessions of, 49; *rhombus* council under, 29, 44, 49 n. 10, 50-1; reasons for downfall of, 52; fear of Agricola, 122; *patientia* of, 144; lack of *patientia* of, 146; see also Flavians

Domus Aurea, 121

Drusus, Livius, 22

Drusus, son of Tiberius, 15, 37, 110

Ducenarii, 73, 99, 100 and n. 2

Eburacum, 81

Edict, alleged, in Josephus, 12
praetor's, codification of, 57; development of, 57; formative period of, 57; interpretation of, 64

- Edict (*cont.*)
 of Claudius on sick slaves, 125
 imperial, validity of, 12, 58
 Education, Dio on, 127-8
 Elagabalus, Emperor, abuse of *consilium* by, 29, 40; *amici* of, 86 n. 1; tyranny of, 86; aberrations of, 86
 Eleusinian mysteries, 31
 Embassies, hearing of, 33, 37, 107, 116; Philo's, 40; Isidore's, 43, 107; Armenian, 45, 107; under Trajan, 54; Smyrniote, 67-8, 108; Claudius and, 107; under Domitian, 123; under Hadrian, 143-4
 Epictetus, on *amici principis*, 27
Equites, admitted to *salutatio*, 23; whether allowed title of *comes*, 25; none in the Acts of Isidore, 44; on the *rhombus* council, 51; as *consiliarii*, 60, 73-4, 80; not allowed to try senators, 61-2, 71, 89
 Experts, Tiberius' use of, 37, 117-18; military, 37 n. 6; Alexander and, 89

Favor libertatis, 125
Feriale Duranum, 89 n. 1
Fideicommissa, 32, 71
Fiscus, 118; *advocatus fisci*, 80, 141
 Flavians, *amici* of, 52; consistent policy of, 48, 52, 122; recovery of *subsiciva* by, 49; palace of, 49, 107; *consilium* of, 51; Eastern policy of, 122
Forma, 66 and n. 3
 Formulary system, 109 n. 6
 Four consulars, the, execution of, 54, 62-3
 Freedmen, 42, 52, 113, 119; discussion about, under Nero, 46, 120, 124, 146; staff of bureaux, 135-7; not *amici principis*, 140
Fruentarii, 141

 Gaius, Emperor, 41, 43, 118, 146; abuse of *consilium* by, 29, 39; use of *consilium* by, 39-40; notion of government, 39; plans for statue of, 40; fiasco over Britain, 118; *amici* of, 121-2; terror under, 121 n. 2; insulted by a Gaul, 147 n. 10
 Gaius, jurist, lists sources of law, 57; on legislative power of emperor, 58 n. 6; on provincial Edict, 64
 Galba, Emperor, 'comitia imperii' of, 48, 116; alleged *amicus* of, 48 n. 1; *comes* of Claudius, 45
 Galen, 80, 81 n. 3
 Gallienus, Emperor, 92, 94-5
 Gardens, imperial, 43, 107-8
 Gaul, 94, 99; noblemen from, as candidates for senate, 40-2, 116; Julian in, 109
 Gelzer, M., on *principes civitatis*, 19 n. 1
 Germanicus, 15; murder of, 38
 Germany, advance into, under Flavians, 122
 Geta, Emperor, 116; left at Eburacum, 81; murder of, 82, 84
 Goharenians, 143
 Gordian III, Emperor, 91-2, 93 and n. 1
 Governors, provincial, left at posts, 117-18; staff of, 135-6
 Gracchus, Gaius, 22
 Tiberius, 5
 Grant, M., theory of the *consilium* as revised in A.D. 13, 17

 Hadrian, Emperor, 2; an upstart, 54; tendency to attribute too much to him, 56; policy of, 56; and the law, 57-8; attempt to recover popularity, 60; trials under, 60; Acts of the Pagan Martyrs under, 60-1, 143-4; *consilium* of, 61-3, 65; and *consiliarii*, 74; *amici* of, 65, 147; and Dacia, 65; results of reform by, 66; conscientiousness of, 63; free speech under, 63; attempt to control *ius honorarium*, 64; and *patria potestas*, 124; and *humanitas*, 125; alleged unification of *officia*, 136; and army discipline, 138-9; and Turbo, 140; creates a *memoria*, 141; creates *frumentarii*, 141; creates *advocatus fisci*, 141; *patientia* of, 147
 Hammond, M., on the Maecenas speech, 88 n. 4, 126
 Haubold, G. G., on the *consilium*, 1
 Helicon, 40
 Heliodorus, 145
 Helvidius Priscus, 26
 Hermaiscus, 54
 Herod the Great, death of, 32, 107
 Herodes Atticus, 144
 Hirschfeld, O., on unification of *officia*, 136
 Historia Augusta, *see* Augustan History
 Horace, 31
Hospitium, 22
Humanitas, 123-5

 Imperial cult, Tiberius' policy on, 117
Imperium, renewal of, 15; avoidance of using, 24; magistrates with, 101

- Intra cubiculum*, trials, 106
 Isidore, 43, 45, 107, 111, 134
Iugatio-capitatio, 128
Iuris consulti, see Jurists
Ius honorarium, development halted, 58, 64
Ius possessorum, restored by Domitian, 49
Ius respondendi, 38, 58 n. 2
- Josephus, alleged edict in, 12; on *consilium* in 4 B.C., 32-3
 Judaea, 32-3; discussion on, 116; falls to Rome, 118
 Julia Domna, 81; *salon* of, 145
 Julia Mamaea, 86
 Julian, Emperor, 86 n. 2, 109
 Julius Caesar, 6
 Jurists, advice of, 30, 32, 97; influence of, 36; introduction of, to *consilium*, 59; choice of, by senate, 60; not alone on Severan council, 81; jurist-prefects, 79, 140
 Justinian, 64, 136
 Juvenal, 2, 22, 29, 50-1, 142, 146
- Κατὰ κεφάλαιον, 111, 112 and n. 5, 113
 Kings of Rome, 4-5
 Kiss, as part of *salutatio*, 22
- Labeo, Antistius, rude to Augustus, 130-1
 Labienus, in Gaul, 37 n. 3
 Lampon, 43, 107
 Law committee, 59, 62, 81, 113-14
 Law, sources of, 57; and the *consilium*, 123-5; change in, 123
Lectiones senatus, 11, 129-30
 Legislation, imperial, 58; prerogative of senior Augustus, 101
 Length of service, 36
Lex Aelia Sentia, 57 n. 4
Lex Canuleia, 6 n. 6
Lex Papia Poppaea, 57 n. 4
Lex Petronia, 125
Libertas, loss of, under principate, 142
 Livy, on Tarquinius Superbus, 4
 Lycia, 118
 Lydus, Johannes, on *officium* of *praef. praet.*, 137
- Macrinus, Emperor, letter to senate, 39 n. 5; *amici* of, 86 n. 1
 Maecenas, duties of, 31; *suasoria* in Dio, 18, 88, 90, 112, 116, 126-8
 Magdelain, A., on *consilium*, 16; on *auctoritas*, 58 n. 5
- Magister militum in praesenti*, 102
Magister officiorum, 98, 102, 139; *magistri officiorum*, 137 and n. 9
Magister sacrarum cognitionum, 99-100
Maiestas, 49, 106
Maius auditorium, 6 n. 4, 108
Manumissio inter amicos, 4 n. 3
 Marcomannic war, 76
 Marcus Aurelius, Emperor, *amici* of, 22 n. 2, 74-6; judicial practice, 69, 71; *cognitiones* of, 70; tour of the East, 70; prefers *humanior interpretatio*, 71, 124; *consilium* of, how related to that of L. Verus, 72-3, 101, 140; and trials of senators, 108; meditates, 110 n. 2; *patientia* of, 144, 147
 Marius Maximus, 139
Matronae, 43, 94, 107
 Mattingly, H. B., on Pegasus, 50; on Pompeius, 51
 Mauretania, 118
 Maximinus, Emperor, removes Alexander's *amici*, 87; rebellion against, 90, 92, 116; *amici* of, 92; council chamber of, 92, 109
 Messallina, adultery of, 41, 113, 116; replacement of, 42, 116
 Meyer, P., on the Maecenas speech in Dio, 88 n. 4, 126
Militia, 136
 Mommsen, Th., on *amici principis*, 1; on *consilium*, 2; on validity of decisions of *consilium*, 15; on reorganized *consilium*, 18 n. 1; on *comites*, 24-5; on *cohors amicorum*, 25; on functions of *consilium*, 30 n. 1; on Hadrian's reorganization, 56, 61-2; on public *cognitiones*, 106; on Augustus' behaviour in senate, 129-30
- Narcissus, 41-2
 Nero, Emperor, and Lucan, 25; and the organ, 29 and n. 2, 46 n. 7; and Anicetus, 38; inexperience of, 45-6; and discussion on freedmen, 46, 120, 124, 146; and *vestigalia*, 46, 120; plan to abandon Britain, 46 and n. 5, 65 n. 1; and Armenia, 46; and Corbulo, 116; and Acte, 47; and *cognitiones*, 47, 111-12; *amici* of, 47; government of, 119-20; revival of senatorial activity under, 120; character of, 120-1; and the Christians, 121; Eastern policy of, 122; *patientia* of, 146

- Nerva, Emperor, government of, 53;
'comitia imperii' of, 53
- Nicolaus of Damascus, 32
- Niedermeyer, H., on Gaius' *consilium*, 39;
on Acts of the Pagan Martyrs, 134
- Notaries, 102
- Notitia Dignitatum*, 136 n. 2
- Officia*, 61-2, 135-41; military, ranks of,
136
- Officia publica*, 141
- Officiales*, 141
- Officium memoriae*, 141
- Otho, Emperor, *amici* of, 48; speech of, 48
- Pagan Martyrs, *see* Acts of the Pagan
Martyrs
- Palatine, temple of Apollo on, 32, 107;
palace of the Flavians on, 49, 107 and
n. 11
- Palestine, *see* Judaea
- Pallas, 42, 47, 52
- Pannonian legions, mutiny of, 37
- Pantheon, 108
- Paterfamilias*, 4
- Patria potestas*, 124
- Patronatus*, 22
- Pedanius Secundus, *familia* of, 121, 124
- Pedarii*, 7
- Perfectissimus*, 100
- Pertinax, Emperor, regime of, like Nerva's,
78; *amici* of, 78; policy of, 78-9
- Pescennius Niger, 81; *amici* of, removed,
79 n. 4
- Philip, Emperor, 93-4
- Philiscus, 145
- Philo, on procedure of *consilium*, 40, 111
- Piso, *cos.* in 7 B.C., trial of, 38
- Pisonian conspiracy, 47
- Planasia, visit of Augustus to, 34
- Plew, J., on Hadrian's army reforms,
139 n. 4
- Plotina, Empress, 54
- Polemo, 68
- Polycrates, 142
- Pompeius Strabo, 5
- Pomponius, commentary on the Edict, 64
- Popillius Laenas, 5
- Possessores*, rights of, reaffirmed by Domi-
tian, 49
- Postumus, 94
- Praefecti praetorio*, distinguished from
amici, 24; on *consilium*, 62-3, 65, 67,
140; court of, 70, 80; not jurists, 70,
79, 99, 140; cannot try senators, 71;
dominate *consilium*, 79; members *ex*
officio, 82; made senators, 89; *tre-*
cenarii, 94; presidents of *consilium*,
98; extraordinary members of *con-*
sistorium, 98-9, 102; of tetrarchs, 107;
officium of, 136 n. 6, 137
- Praefectus annonae*, 36, 41, 80
- Praefectus urbi*, as *amicus principis*, 25, 68, 75
- Praetor, uses *consilium*, 5; powers of,
before Hadrian, 57; powers of, after
Hadrian, 58, 64; Edict of, 57
- Premenstein, A. von, on not using *im-*
perium, 24; on *auctoritas*, 58 n. 5; on
chairmanship of *consilium*, 62-3; on
trial of Appianus, 78; on S.C.
Calvisianum, 129; on Acts of the
Pagan Martyrs, 134
- Prexaspes, 122
- Prima admissio*, 22-3, 89
- Primores civitatis*, 7, 37, 39, 46; and *see*
principes civitatis
- Principes*, its synonym ἡγεμόνων, 55 n. 2
- Principes civitatis*, 19, 36; Gelzer's view of,
19 n. 1
- Principes officiorum*, 73, 103, 137-8; *princi-*
pales officiorum, 140
- Principes scriniorum*, *see* *principes officiorum*
and *scrinia*
- Pringsheim, F., on Hadrian's 'permanent
council', 56
- Pro tribunali*, 38, 49, 107-9
- Proculians, 58
- Procurator ad bona damnatorum*, 80
- Procuratores annonae*, 136
- Procurators, position of, 136
- Professional element on *consilium*, 30, 42-
3, 66, 101; not yet under Nerva, 53;
need for, 57; introduction by Hadrian,
59-61; absent from the Maecenas
speech, 88; status of, 100
- Ptolemies, *amici* of, 21
- Publicani*, staff of, 136
- Quaestio actionis*, 6
- Quaestio perpetua*, jury of, 5; supersession
of, 57; procedure of, 110 and n. 1
- Quaestor sacri palatii*, 102, 139
- Ravenna, 106
- Renuntiatio amicitiae*, *see* *amici*
- Responsa prudentium*, 58
- Rhombus* council, 29, 44, 49 n. 10, 50-1
- Rupilius, 5

- Sabinians, 58
Sacrarium, 102
Salluitana turma, 5
Salutatio, 23, 105, 138; *salutatio secunda*, 68 n. 2, 83, 89; and see *prima admissio* and *secunda admissio*
 Schiller, H., on unity of *consilium*, 30 n. 1; on Hadrian's activities, 56
 Schools of law, 58-9
 Scipio Aemilianus, *cohors* of, 25
 Scopelianus, 123
Scrinia, 74; heads of, on *consilium*, 62, 82, 140; prepare business, 89; make policy, 103; staff of, 135-6
 Scriptores Historiae Augustae, see Augustan History
Secunda admissio, 22-3, 68 n. 2, 83
 Seeck, O., on the Saturninus text, 72; on *comes Augusti*, 74, 96; on Hadrian's council, 56
 Seleucids, 21
 Seleucus II, 22 n. 2
 Senate, as *consilium publicum*, 2, 5, 20; supplies a *consilium*, 5; cross-section of, 9; ideal size of, 9; actual size of, 9 and n. 4; non-attendance at, 13; regular meetings of, 13; connexion with *consilium principis*, 16, 38; lack of initiative of, 20, 46; chooses *iuris consulti*, 60; tries Appian, 78; interests of, protected by Alexander, 90; Greek for, 105; members of, not to be tried by *equites*, 61-2, 71, 89; members of, tried *in camera*, 108
Senatus consultum, validity of, 9 n. 2, 15-16; quorum for, 13; effect on Edict, 57; Calvisianum, 1, 11-12, 13 n. 2, 104, 129-31; de Oropiis, 5; Tertullianum, 124; Trebellianum, Vellae-anum, 57 n. 4
 Seneca, on *amicitia*, 22, 25; on Claudius, 44; tact of, 45; on duties of a *libellis*, 47; as *amicus principis*, 47 n. 3, 119-22; articulate, 91, 119; motives of, 112, 115-16; wants invasion of Britain, 118; government of, 119; on gratitude, 120; and imperial finance, 120; and humanitarianism, 121
Sententiae, 110-13, 131
Sententiae Hadriani, 63, 108, 147
 Septimius Severus, Emperor, destroys enemies' *amici*, 79; legal administration of, 79; prefers *humanior interpretatio*, 80; overrides opinions, 80; *amici* of, 84-5; political trials under, 112-13; alleged unification of *officia*, 136; *patientia* of, 147
 Severans, policy of, 85; centralization under, 126
 Severus Alexander, Emperor, 2; council of, 19-20, 86-7; and public business, 28; accession of, 86; government of, headed by Ulpian, 87; scheme of, for regimentation, 89; attitude to *amici*, 89; powerlessness of, 90
Sexagenarii, 73, 80, 99
 Silius, Messallina's adultery with, 41
 Skaptopara, inscription about, 93 and n. 5
 Slaves, 123, 125; as staff of bureaux, 135-7
 Statius, on duties of *ab epistulis*, 47; his *consolatio* to Claudius Etruscus, 52
 Stella Maranca, F., on Seneca and the *consilium*, 119 and n. 3
 Stoa of Livia, 108
 'Stoic opposition', 122
 Stoicism, influence of, 122, 125
Subsivica, recovery of, by the Flavians, 49
 Suetonius, *de Institutione Officiorum*, 137
 Sura, *delator*, 51
 Syme, R., on the Aemilii Lepidi, 35 n. 3

Tabellae, 110-12, 124
 Tacitus, Emperor, 95
 Tacitus, historian, recognizes uselessness of intransigence, 41 n. 7; picture of Tiberius, 117-18
 Tarcondimotus, 21
 Tarentum, pact of, 34
 Tarquinius Superbus, 4
 Taxation, views of Dio on, 128
 Tetrarchy, 100-1
 Theodosian Code, on *officia*, 138
 Thrace, 118
 Tiber, 107 n. 6
 Tiberius, Emperor, 2, 110, 116; temperament of, 15, 36-7, 117; *laudatio* of Augustus, 17-18, 130; whether chairman of Augustus' *consilium*, 17 n. 6; *consilium* of, 18, 19, 44, 87; and Sex. Vistilius, 25; *amici* of, 36; alienates advisers, 36; government of, 37, 118; judicial sessions of, 37, 107; and embassies, 37; and experts, 37; *consilium* at Capreae, 38; experience of, 45, 117; Tacitus' picture of, 117-18; involved in undignified scenes, 129, 131-2; efforts at republicanism, 131; *patientia* of, 146

GENERAL INDEX

- Tiberius Gemellus, 39, 116
 Tibur, 42 and n. 5, 107
 Titus, Emperor, 117; *amici* of, 26, 49 and n. 10; *consilium* of, 44; in Vespasian's *cognitiones*, 49; Acts of the Pagan Martyrs under, 52; experience in East, 122; and see Flavians
 Trajan, Emperor, on Domitian's *amici*, 26, 49, 54; judicial *consilia* of, 53-4; Acts of the Pagan Martyrs under, 54; successor discussed, 54, 116; *amici* opposed to Hadrian, 54; imperialism of, 54; *amici* of, removed by Hadrian, though not all, 65; and soldiers' wills, 124; procurator of Bithynia under, 136; effect of constitutions on army, 139; *patientia* of, 142, 147
 Trebonius Rufinus, case of, 53
Trecenarii, 94
 Tribune, as member of senatorial committee, 8 n. 3
Tutela, exemption from, 80
 Valerian, Emperor, persecution of Christians by, 94
 Vandals, 95
Vectigalia, discussed in A.D. 58, 46, 114 n. 3, 116
 Vegetius, on military law, 139
 Verus, L., Emperor, relation of *consilium* to that of Marcus, 72-3, 101, 140; *comites* of, 73 n. 1
 Vespasian, Emperor, and *salutationes*, 23; morning consultations of, 28, 49; *cognitiones* of, 48; *comes* of Claudius, 45 and n. 1; experience in Eastern affairs, 122; *patientia* of, 146; and see Flavians
 Vindex, revolt of, 116
 Vitruvius, 7
 Volcacius Tullus, L., 6
Voluntas, 123-4
 Will, forgery of, 110
xx viri, see Committee of Twenty
 York, see Eburacum

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